

THE ELIMINATION OF SEGREGATION IN HOUSING,
EMPLOYMENT AND EDUCATION

A THESIS

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SUMMARY

The suburban portions of most urban areas in the United States have received the majority of residential and employment opportunities in recent years. Blacks, however, have not had equal access to these opportunities because of racial discrimination. Consequently, many blacks have few residential, employment or educational opportunities outside the central city. This restricts the residential and employment mobility for blacks, reduces their chances for higher incomes and restricts the educational opportunities for their children.

Federal, state, regional and local governmental actions and policies, along with private discriminatory actions, have led to less than full opportunities for blacks in suburban areas. A comprehensive analysis of these various policies and actions is required to identify the level of government or private entity where action should be taken to eliminate segregation.

The six chapters of this thesis are structured to isolate the interrelationships of these various influences on public school desegregation and to define their role in either acting positively, negatively or neutrally toward three goals of redistribution. The goals are the redistribution of population, the redistribution of economic opportunity and the redistribution of educational resources.

Recommendations toward eliminating segregation are divided into three phases, Compliance, Transition and Structural Phases. The actions

of the phases gradually modify existing public and private policies and attitudes and build on the accomplishments of previous actions. This strategy helps to achieve an orderly transition from current policies to the attainment of the three goals of redistribution.

Compliance Phase actions primarily deal with the enforcement of existing programs on the federal level. Actions in the Transition Phase focus on revising state and regional activities and their role in administering federal policies. The Structural Phase emphasizes innovative programs implemented by a regional agency on the local level to achieve the three goals of redistribution.

INTRODUCTION

Public education in the United States is affected by a complex system. This system is composed of political, residential, economic, governmental and private values, decisions and policies. The six chapters of this thesis are structured to isolate the interrelationships of these various influences on public school desegregation and to define their roles in either acting positively, negatively or neutrally toward three goals of redistribution. The goals are the redistribution of population, the redistribution of economic opportunity and the redistribution of educational resources.

The evolution of the system's influences stands in sharp contrast between central city and suburban public school districts. As the proportion of black students increases in a school system and white domination is threatened, white support of that system is frequently weakened.

This is manifested directly by the number of children enrolled in private schools and indirectly by the outward migration of whites from the central city to suburban residential and employment locations. The latter is only partially due to school desegregation, for there are usually many factors which affect the decision of a family to move from the city to the suburbs.

Methods of educational segregation enforced by public law or policies (*de jure*) have, and can be dealt with effectively by the courts. Recent trends, however, point to increased so-called "natural" (*de facto*) segregation. Four major causes of this increase in *de facto* educational

segregation are trends in racial demography, the anti-metropolitan nature of school district organization, the effects of non-public schools and intentional policies leading to de facto segregation similar to the older problems of de jure segregation,¹ although intent to segregate through discretionary private or public actions has become difficult to prove in court.

The increase in de facto segregation stems from, and affects government policies, intergovernmental cooperation, corporate policies and personal decision-making processes. Access to expanding suburban residential, employment and educational opportunities for blacks are limited in most urban regions as a result of such events. Continuation of this trend could result in the United States becoming

An alienated world ... in which the parts are separated out, a world that exhibits intractable forms of fragmentation and irreducible polarities ... (What) essentially defines alienation is not separation as such - for some kinds of separation are desirable - but the Humpty Dumpty plight of not being able to put the separated parts together in any scheme of meaningful relationships.²

Many interrelated values have confronted and thwarted past and current efforts toward desegregation. To reach the goals of the redistribution of population, economic opportunity and educational resources, sufficient modification of these values, the decision-making process leading to them, and related policies must be accomplished. Unequal residential and employment opportunities for blacks, parental and peer influences (characteristics and values), racial discrimination, governmental policies and programs and distinctive central city and suburban characteristics are but a few of the influences that help to determine and perpetuate these values and policies.

Redistribution of Population

One of the fundamental values that must be modified is the perception that many whites have of blacks. In a New Jersey study, 96 percent of the respondents thought that some kind of negative situation would occur if housing for blacks was built within their community. Only 4 percent believed the new residents would have a positive impact on their community.³ The acceptance of blacks into neighborhoods and communities where they are presently excluded is basic to the redistribution of population and has a determining influence on the redistribution of economic opportunity and educational resources.

Redistribution of Economic Opportunity

The residential exclusion of blacks from the suburbs has reduced their employment opportunities in the expanding suburban job market. Since the end of World War II, the black unemployment rate has been approximately twice as high as the white rate. Additional factors influencing economic opportunity for blacks include lack of access to place of employment, overt and covert racial job discrimination, racism and the lack of, or inferior, educational opportunities.

The economic consequences of these factors are that the average black family income was 60 percent of the average white family income in 1973, which was an increase from 51 percent in 1947. The peak for black family income as a proportion of white was reached in 1965 when it was 64 percent. Since then it has declined because fewer black families have two or more workers, and the number of white families with two or more

workers increased. By 1973, the proportion of white families with two or more workers exceeded that of black families.⁴

Closely related to the residential mobility and opportunity to live in suburban housing for blacks is transportation access to employment. The demand for transportation access, however, is dependent on the job opportunities available to black workers. For "improved transit will reduce unemployment only when there are job openings for potential users of the service at wages high enough to cover commuting expenses."⁵

Redistribution of Educational Resources

The number of students enrolled in public schools during the period 1900 to 1970 increased from 15.5 million to over 45.6 million. Total expenditures have gone from \$220 million to almost \$40.3 billion.⁶ In terms of constant 1970 dollars, average per student expenditures have increased from \$67 in 1900 to \$884 in 1970.

Educational expenditures have increased in all school systems but many believe the investment is worth the costs. Especially in city schools, the redistribution of educational resources helps to establish a situation within which the residential, economic and personal opportunities of blacks may be increased.

Negroes who have attended integrated schools continue to have a large number of white friends as adults; they are more likely to live in integrated neighborhoods, to favor integrated schooling for their children, and to prefer belonging to integrated voluntary organizations.... This means they will have greater opportunities to move into a biracial employment market rather than being restricted to the traditional ghetto employers.⁷

Achieving the Goals of Redistribution

The three goals of redistribution have been structured to offer the opportunity for the ultimate desegregation and assimilation of all people, regardless of race, throughout American educational, residential and economic institutions.

Chapter I analyzes demographic characteristics and patterns that have affected public education in urban America. Chapter II identifies the effects of these demographic changes on public education. In Chapter III, four agents of change - the educational system, the courts, local government and open housing - are described and their roles in educational segregation defined. Testing of the hypotheses derived from the first three chapters is done in Chapter IV with the six county, ten school district Atlanta region as a case study. Chapter V is a summary and analysis of the first four chapters. Chapter VI outlines policy recommendations and identifies the strategies of implementation designed to achieve educational desegregation by attaining the goals of the redistribution of population, economic opportunity and educational resources.

Reference Notes

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CHAPTER I

DEMOGRAPHIC CHARACTERISTICS AND PATTERNS

The population of the United States has increased from almost 76 million in 1900 to over 203 million in 1970. The effects of this growth may be identified by investigating recent trends of population distribution, suburban migration, regional and metropolitan population patterns, employment and income.

This chapter will define each of these elements which assists in formulating the context within which the provision of public education is achieved. By maintaining this broad perspective of the factors affecting education, a more complete view of public education may be gained.

Population Distribution

The distribution of growth during the last three decades has not been uniform. After World War II, due to technological innovations, social adjustments and public policies to maintain the economy during the shift from war production to consumer production, the cities of the United States were deluged by an immigration of people from rural areas and small towns in search of jobs, greater income and a new way of life. Figure 1 compares the distribution and growth of population in the urban areas of the United States from 1820 to 1970.

Basic structural changes had to occur in the United States to initiate, sustain and maintain this urban migration. One of the more

important elements of change has been the increasing ability of society, through technological achievements and economic diversification, to diminish the effects of distance between worker and place of employment and between different centers of employment.

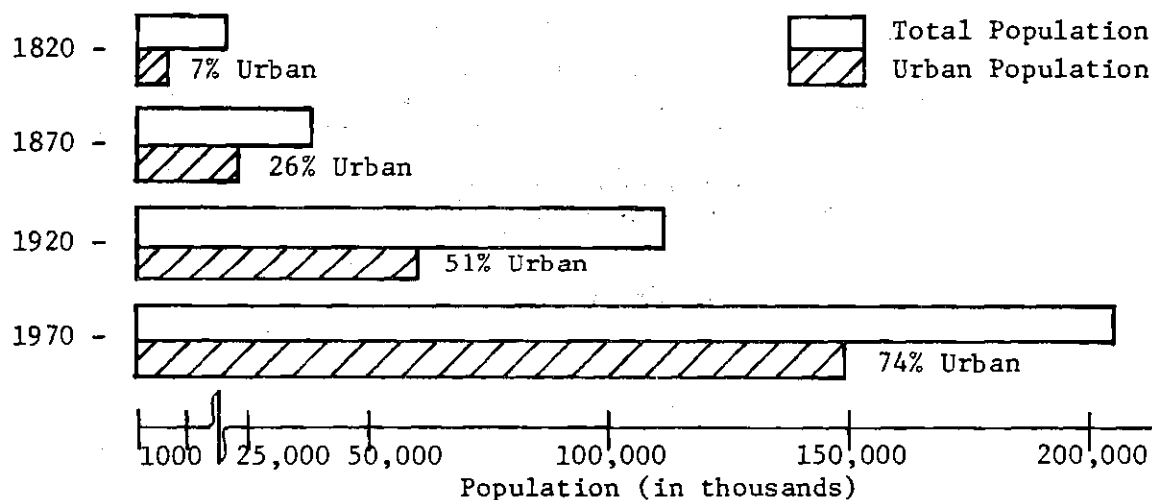


Figure 1. Urban Population Growth in the United States, 1820 - 1970¹

Until the full effects of the industrial revolution took place in the United States in the last quarter of the 19th century, most manufacturing and employment were situated within the home or a short distance, less than one-half mile, from a worker's home. As late as 1890, 77 percent of the workers in New York City worked in their homes.² With other factors, this diminution of distance brought on by improved means of transportation and manufacturing techniques helped to initiate the great suburban migration that has been most prevalent during the last thirty years.

Suburban Migration

The quantity of population is but a portion of the urban situation. Within the past three decades, the proportion of blacks in the cities has steadily been increasing as whites have had the opportunity to move to suburban residential communities while restricting black entry into them. Policies restricting the outmigration of blacks from the city while encouraging white outmigration include red-lining central city housing by lending institutions, post-war FHA policies that promulgated white suburban expansion³, the necessary income to afford a new home and automobile made necessary by the distance to work, and exclusionary land use policies of many suburban jurisdictions directed at blacks. During the 1940's and 1950's, the huge white outmigration from northern cities created a surplus of city housing which soon was filled by southern blacks moving to the north in hopes of finding better economic opportunities, escaping the deprivation of de jure segregation and improving their social, educational and political opportunities.

The influx of blacks prompted more whites in many northern cities to move to outlying areas, which had been made more easily accessible by highways and public services. This created a situation of de facto segregation, which has led to the effective residential and social segregation of the races.

During the 1960's and continuing today, blacks have entered the cities of the north and south from rural areas and small towns in search of economic opportunity. Much the same results have occurred in large southern cities that occurred earlier in the cities of the north. The black population has increased and the white has decreased. Table 1

summarizes the shift in the percentage of blacks in various political areas of the United States between 1950 and 1970.

Table 1. Percentage of the Black Population in the United States, 1950 - 1970⁴

<u>Region</u>	<u>Total Black Population (in millions)</u>			<u>Percentage Change 1950-1970</u>	<u>Percentage of Black Popula- tion in 1970</u>
	<u>1950</u>	<u>1960</u>	<u>1970</u>		
United States, Total	15.0	18.4	22.7	51%	100%
South	10.2	11.3	12.0	18	53
SMSA's	8.8	12.8	16.8	91	74
Central cities	6.6	9.9	13.1	99	58
Suburbs	2.2	2.9	3.7	68	16
Outside SMSA's	6.2	5.6	5.9	-6	26

Notes: The 17 states included in this table under the South extend from Delaware to Oklahoma.

SMSA is an abbreviation for Standard Metropolitan Statistical Area, a term used to define urban regions by the Bureau of the Census.

Regional Population Patterns

Regionally, the northeast and north central SMSA's (Standard Metropolitan Statistical Areas) have shown no net growth since 1970. Western SMSA's have experienced greatly reduced growth rates and the southern SMSA's continue to grow, but at slightly lower rates. Since 1970, the northeast has lost 869,000 whites to outmigration and for the first time in decades had a net outmigration of blacks. This compares with the period between 1940 and 1970 when the net outmigration of whites was 900,000, with a net immigration of 1.6 million blacks.

The south and west are growing in population, employment, housing and development at rates above the national average. The net change of blacks moving in and out of the south is practically balanced, a dramatic

reversal of the past great black migrations to the northern industrial centers.⁵

The total employment growth rate in the south between 1967 and 1972 was five times that of the Middle Atlantic states. Manufacturing employment increased 7 percent in the south while decreasing 12 percent in the Middle Atlantic states during the same period. This employment shift from the northeastern metropolitan areas has been even more dramatic and has made structural changes necessary in many communities. Between 1960 and 1970, the nine SMSA's with populations exceeding 750,000 residents in the northeast suffered a competitive loss of \$8 billion and 1.8 million jobs in comparison to the national economy.⁶

Metropolitan Population Patterns

Between 1968 and 1975, changes occurred in the population distribution in metropolitan areas. Growth in metropolitan areas with more than 3 million residents was negative, while those SMSA's with populations between one and three million maintained positive, but sharply reduced, growth rates. In contrast to this, SMSA's of less than one million population experienced increased rates of immigration during the seven year period.

Figure 2 summarizes the outward migration from cities between 1970 and 1974. It was estimated that in 1974, 57 percent of metropolitan residents lived in suburban areas, an increase from 54 percent in 1970. By 1974, over 80 million people lived in the suburbs, an 8 percent increase over 1970. During the same period, cities had a net loss of 5.9 million residents due to migration, which was almost 10 percent of

the 1970 population of central cities.

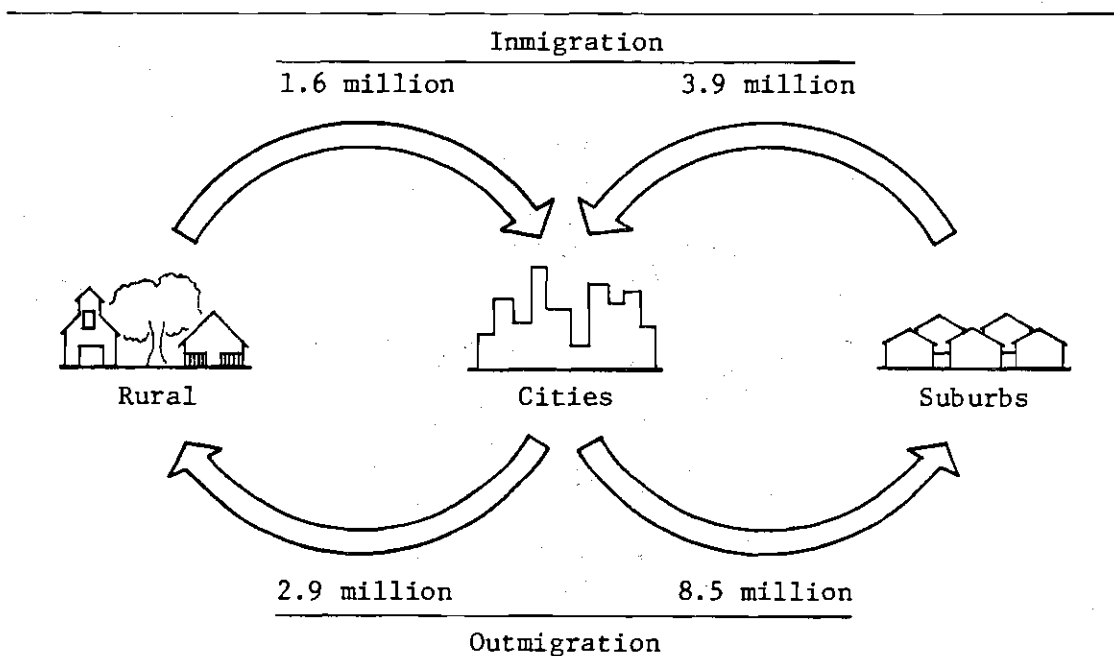


Figure 2. Migration Patterns of Central City Residents, 1970 - 1974⁷

In racial terms, 7.7 million whites outmigrated and 3.4 million immigrated to cities between 1970 and 1974, producing a 4.3 million person net loss. An interesting element in the white outmigration is that 40 percent of the city to suburban movers relocated, not in suburbs surrounding the city in which they lived, but rather in suburbs in a different metropolitan area.⁸

A disproportionate share of whites have outmigrated from the cities to suburban areas. Between 1970 and 1974, 17 percent of the whites living in central cities moved to the suburbs, while only 5 percent of the blacks moved. Since 1960, blacks have represented about 5

percent of the total suburban population and since 1970, about 20 percent of the population in the cities. Approximately 20 percent of the blacks in metropolitan areas lived in suburban areas in 1974, the same proportion as 1960.⁹ Most suburban blacks, however,

live in segregated suburban concentrations that date from the early 1900's or in rural parts of metropolitan counties. Generally, the housing located in these outlying black residential concentrations is of relatively low quality.¹⁰

The shifts in population have altered the age group distribution in central cities. The number of adults (over age 18) slightly increased between 1970 and 1974 and the number of young adults (age 25-34) increased substantially. The number of older adults (age 35-64) and children under 14 declined.

Table 2 summarizes the results of the movement of population between 1970 and 1974 by race and place of residence.

Table 2. Percentage Distribution of Population by Race and Place of Residence, 1970 - 1974¹¹

Place of Residence	White Percentage Distribution			Black Percentage Distribution		
	1970	1974	Change	1970	1974	Change
U.S. Total Population (in thousands)	175,276	181,342	4%	22,056	23,542	7%
SMSA's, Total	68%	67%	2%	74%	75%	8%
Central cities	28	26	-5	59	58	6
Suburban areas	40	42	8	16	17	16
SMSA's of						
1,000,000 or more	39	38	1	49	48	5
Central cities	14	13	-7	39	38	3
Suburban areas	24	25	6	9	10	14
SMSA's of less than						
1,000,000	29	29	4	26	28	15
Central Cities	14	13	-3	19	21	14
Suburban areas	16	17	11	6	7	19
Nonmetropolitan Areas	32	33	6	26	25	2

The shift in population has precipitated changes in the geographic distribution of education and employment that reflect the characteristics of the new dominant population groups. The average income in 1973 of those families and individuals who left the cities was \$14,200, compared with an average income of \$12,900 for families migrating to the cities. The aggregate income in 1973 of families and unrelated individuals leaving cities was \$55.3 billion, compared to an immigration income total of \$25.7 billion, creating a net income loss of \$29.6 billion for the cities.¹²

Employment

The movement of employment opportunities to suburban areas has contributed to the exodus of middle income residents from the city. As an example of employment following the outmigration of its labor force and markets to the suburbs, between 1958 and 1967, manufacturing employment rose 7 percent in cities while increasing 32 percent in the suburbs. During the same period of time, retail trade employment rose 8 percent in the cities and 61 percent in the suburbs and wholesale trade employment increased 11 percent in cities and 90 percent in suburban areas.

Inferences may be drawn on the increase of professional and technical employment in suburban areas between 1970 and 1974 by noting that the number of such workers remained relatively constant while the number of professional workers living in suburban areas increased by 800,000. The number of suburban managerial workers increased by 1.3 million during the same four year period. A comparison of the entire labor force of city and suburban areas in 1970 and 1974 is shown in Table 3.

Table 3. Labor Force Status of Persons 16 Years Old and Over in Metropolitan Areas, 1970 and 1974¹³

<u>Labor Force Location</u>	<u>Labor Force Segments (in thousands)</u>		
	<u>Total</u>	<u>Employed</u>	<u>Unemployed</u>
Central Cities, 1970	26,191	24,943	1,248
Percentage blacks	37%	36%	50%
Suburbs, 1970	29,852	28,701	1,152
Percentage blacks	9%	8%	15%
Central Cities, 1974	26,936	25,285	1,739
Percentage blacks	38%	37%	61%
Suburbs, 1974	35,394	33,656	1,737
Percentage blacks	10%	9%	19%

One of the most important results of employment shifts from cities to suburban locations is that a growing number of the suburban jobs are blue collar, while traditional white collar employment, although stagnant over the last five years, is centered in the cities. This pattern of occupational distribution is the reverse of residential patterns, with large numbers of lower income residents living in central cities and the majority of white collar workers living in the suburbs. A result of this is that the educational backgrounds and work experience of many lower income residents are not suitable for the jobs that are available in central cities. "The outcome is that central city unemployment is now more than twice the national average and even higher among city residents who have traditionally found employment in blue collar industries caught in the suburban drift."¹⁴

The reasons for this shift in manufacturing include changes in production technology, changing modes and improvements in short distance transportation, greater availability of public services in suburban areas and the expansion of external economies. One product of such

employment shifts, coupled with limited residential access to suburban housing for blacks, is the inefficient phenomenon of reverse commuting. Table 4 summarizes the relative amounts of reverse commuting by race for selected occupations in 84 SMSA's for 1970.

Table 4. Relative Amount of Reverse Commuting from Central Cities to Suburban Areas for Black and White Workers by Occupation for 84 Selected SMSA's, 1970¹⁵

<u>Suburban Occupation</u>	<u>Percentage of Workers Commuting</u>		
	<u>Blacks</u>	<u>Whites</u>	<u>Total</u>
Professional and Technical	45%	14%	15%
Managers and Proprietors	42	12	13
Clerical and Sales Workers	48	13	14
Craftsmen and Operatives	55	16	19
Laborers	48	15	21
Service Workers	43	11	18
All Occupations	49	14	17

This table reveals that a disproportionate share of blacks, regardless of occupation, commute from central city homes to suburban jobs and helps to refute the contention that the lack of suburban housing for blacks is primarily due to economic consequences rather than racial discrimination. This is based on the fact that over three times as many blacks employed in professional and technical occupations reverse commute as whites, although their salaries would be high enough to give the blacks more economic freedom to move wherever they desired.

Income

Earnings, unemployment and occupational status showed a high correlation with residential location for male white workers but little relationship to black male residential location in a 1966 study of 6,797 males in 12 SMSA's.¹⁶ The study found that earnings of white males were

highly sensitive to the intrametropolitan residential location of the worker. The same finding was not true for blacks, however, with the largest frequency of relatively higher earnings occurring, not in the suburbs, but in the central city. Table 5 shows these relationships.

Table 5. Median Male Employment Characteristics by Intrametropolitan Residential Location, 1966¹⁷

Residential Location	Weekly Earnings		Weeks Unemployed as Percentage of Weeks in Labor Force		Occupational Status*	
	White	Black	White	Black	White	Black
Central City						
Poverty Area	\$ 93	\$ 78	9%	10%	19.4	14.7
Rest of City	124	100	4	5	36.8	16.7
Suburban Ring	134	96	4	9	40.7	15.7

Note: *Occupation Status derived by assigning points for occupational categories with the higher status occupations assigned larger numbers.

The most dramatic finding of the study was the

extent to which the nonwhite earnings distribution - even outside the ghetto - lie far to the left of the white distributions.... Moreover, there is much less dispersion among nonwhite than among white earnings in every part of the metropolis. Intrametropolitan employment opportunities are highly variegated for whites. But the constraints on the opportunities for nonwhites are such that most find themselves in much the same situation vis-a-vis the urban labor market.¹⁸

The study further found that when occupational titles are mapped and distributed over the males in the sample by residential location,

the occupational status distribution for suburban whites lies to the right of the distribution for central city whites (indicating a higher proportion of higher status jobs), which, in turn, lies to the right of the distribution for whites in the ghetto. While the latter is clearly skewed left (a disproportionate share of occupations in the lowest fifth of status scores), the suburban white distribution is more nearly "rectangular", indicating that suburban whites are distributed more or less

uniformly throughout the range of occupations from very low status to very high status positions. White occupational status is, in other words, sensitive to location.

For nonwhites ... all three distributions are sharply skewed left (a higher proportion of lower status occupations) and are, in fact, almost indistinguishable. Well over one-half of the nonwhite males in the sample - even those living in the suburbs - are ... "crowded" into the lowest one-fifth of the occupations, in terms of status. (It is) clear that a nonwhite worker's chances of attaining a high status occupation are - regardless of his educational achievement - very small.¹⁹

Table 6 shows this most important factor of additive earnings of increased education. The blacks surveyed did not realize additive earnings from additional education until they achieved 16 years of schooling in the central city and 13 years in the suburban areas.

Table 6. Additive Earnings of School Years, 1966²⁰

Years of School Completed	Incremental Weekly Earnings in			
	Central Cities		Suburban Areas	
	White	Nonwhite	White	Nonwhite
9	\$16	\$ 0	\$20	\$ 0
12	4	0	11	0
13	13	0	20	14
16	38	42	45	23

Note: Central Cities excluding the ghetto

Summary

Migration patterns in the United States have evolved from rural residents coming into the urban cities of the north and south to a pattern of primarily white suburban immigration and black central city immigration. Residential and economic developments are increasingly occurring in the suburban areas of metropolitan regions. The structure of government and administration and the values held by suburban and city residents have maintained and even encouraged the drain of human and

fiscal resources from central cities.

Many cities have become the primary alternative available to blacks for housing, regardless of their occupational status, education or income. Although more blacks have moved to the suburbs, their percentage has remained relatively constant (5 percent), with most of the suburban blacks living in older, segregated black settlements overtaken by suburban development.

The population movements of the last three decades have tended to segregate blacks and whites and form the antithesis of community cohesion and communication. Judicial and political leadership has not been successful

in achieving the racial desegregation of urban neighborhoods, and has had limited success in the desegregation of schools. Local, state and federal power ... has been met by a source of influence and power at the local community level which has successfully blocked social change.²¹

This lack of social change, in turn, has caused most blacks to be residentially isolated regardless of their income, separated from the expanding suburban job opportunities and denied equal additive earnings for greater educational achievement as whites. In essence, while blacks have been freed from de jure segregation, they are still hampered residentially, economically, educationally and politically by de facto segregation.

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CHAPTER II

EFFECTS OF CHANGE ON PUBLIC EDUCATION

The increasing racial isolation reflected in the geographic population patterns presented in Chapter I have had varying effects on the public educational system. Central city and suburban educational disparities, values and policies are analyzed in this chapter to define their roles in creating the existing educational situations in urban areas.

These disparities, values and policies are discussed in terms of the attitudes toward and the expectations for education, educational financing, racial isolation and educational desegregation. Exploration of these elements reveals that many times expectations and hopes of residents are in direct conflict with actual conditions. Identification of these points and an analysis of why this discrepancy exists is the focus of this chapter.

Attitudes Toward Public Education

Attitudes toward education vary and are based on an individual's and group's values, perceptions and experiences. A widespread perception of education and an argument against it are that

education is the one unfailing remedy for every ill to which man is subject.... We even speak glibly and often about the general reconstruction of society through the school. We cling to this faith in spite of the fact that the very period in which our troubles have multiplied so rapidly has witnessed an unprecedented expansion of organized

education. This would seem to suggest that our schools, instead of directing the course of change, are themselves driven by the very forces that are transforming the rest of the social order.¹

Findings of the Equality of Educational Opportunity Survey (1966)

substantiate the view that public education is but one of the causal agents in the educational process of children. The report found that

Schools bring little influence to bear on a child's achievement that is independent of his background and general social context; and ... this very lack of an independent effect means that the inequalities imposed on children by their home, neighborhood and peer environment are carried along to become the inequalities with which they confront adult life at the end of school.²

Established suburban value systems tend to perpetuate the segregation of races and the resulting inequities in central city and suburban jurisdictions.

If the suburbs are left to their own devices, to follow their present policies, they will fall far short of providing a suitable solution for all Americans in the long run. In the absence of intervention by higher levels of government and by improved policies, the suburbs can in fact be expected to exacerbate present conflicts and disharmony among ethnic, racial and economic groups.³

There is, however, concurrent pressure by many blacks to maintain the cities as black seats of power while some whites press for metropolitan unity in order to retain or regain control over the black majority cities. Blacks are thus faced with the choice of weakening their concentrated political power in the cities in order to become more aggressive in dispersed suburban areas.

Expectations for Education

Expectations from the educational system by blacks are simliar to

expectations held by whites. The system is often viewed as the one means to raise oneself from isolation and poverty while ignoring the effects racial discrimination and residential mobility have on achieving these expectations.

(The Negro) has bought lock, stock and barrel the urban culture's definition of success. He wants to play the game, and he wants his children to move in one generation from the unskilled blue collar type of occupation to the professional type of occupation. This throws considerable stress upon the whole urban system, and upon the educational resources that are expected to create such mobility.⁴

Results from a study by Ralph Smith of Detroit revealed that 67 percent of the blacks interviewed aspired for their children to have a professional or technical occupation, while only 2 percent of the black heads of household held such positions. Table 7 summarizes the results of the study.

Table 7. Occupational Aspirations for Children by Their Parents⁵

<u>Occupational Aspiration by Parent for Child</u>	<u>Percentage Response by Race</u>	
	<u>White</u>	<u>Black</u>
Professional or Technical	72%	67%
Other White Collar	12	13
Skilled Blue Collar	6	5
Unskilled Blue Collar	1	2
Miscellaneous	6	11
No Answer	3	2
Number of Cases	383	92

The expectations from education and the realities resulting as a product of education, employment, residential mobility and racial discrimination are quite distinct, in fact, nearly opposite. The lack of relating the educational experience to other experiences is an important

factor in realizing how this dichotomy has occurred.

Attitudes and values of education reveal that improvements in the desegregation of the public educational system and the quality of education are automatically limited by current racial attitudes and values. Expectations by blacks for education to improve their children's opportunities serve as an expression of what many never had, i.e. adequate educational opportunities and training. Education is not enough alone, however, to provide this opportunity. Racist attitudes in employment, housing and government also contribute to the probable success or failure of blacks and educational achievement cannot single-handedly change these attitudes and policies.

Educational Financing

While public education is a national policy and a legislative responsibility of the states, it is implemented and largely paid for on the local level. Thus, much of public education's success depends on the characteristics of a locality and its resources.

One of the primary responsibilities of most jurisdictions is the financial support of a school system. Local taxes paid for 50 percent of public school expenditures in 1973. Typically, school taxes comprise between 50 and 75 percent of the property taxes collected by local government. Table 8 compares school expenditures between 1960 and 1973 by source of funds for all the public schools in the United States.

The importance of the property tax has led many jurisdictions to adopt policies which minimize tax expenditures while increasing taxable properties. Usually this has meant exclusion of multi-family housing and

minimal social services, policies especially detrimental to blacks because of the larger proportion of blacks with lower incomes than whites.

Table 8. Public School Expenditures, 1960 - 1973⁶

Source of Funding	Amounts of Funding (in billions of dollars)					
	1960		1970		1973	
	Amount	Percent	Amount	Percent	Amount	Percent
Federal	\$ 0.7	5%	\$ 3.6	9%	\$ 5.1	10%
State	5.6	35	16.1	40	20.8	40
Local	9.5	60	21.0	51	26.3	50
All Other	0.1	-	0.1	-	0.1	-
Total	\$15.9	100%	\$40.8	100%	\$52.3	100%

Another element of local educational financing is the number of students in non-public schools. The population shift of whites to the suburbs and the influx of blacks into many cities has created a new demand for non-public educational facilities. The number of students enrolled in non-public schools by geographic area is summarized in Table 9.

Table 9. Geographic Distribution of Students Enrolled in Public and Non-Public Schools, 1970⁷

Type of School	Enrollment (in millions of children)					
	United States		Central Cities		Suburbs	
	Number	Percent	Number	Percent	Number	Percent
Public	46.5	88%	11.5	83%	17.0	86%
Private	6.4	12	2.4	17	2.7	14
Total	52.9	100%	13.9	100%	19.7	100%

Note: The above figures include children enrolled in nursery school, kindergarten and grades one through twelve.

White parents have turned to non-public schools for a variety of reasons for their children. These reasons include an alternative to desegregated public schools, higher quality education (as perceived by the parent), religious beliefs and social and economic status.

Another factor affecting educational financing is the reluctance of voters to approve bond issues or tax increases to build new facilities or expand existing educational plants. In part, this might be explained by the fact that parents whose children attend non-public schools are less concerned with the well-being of those children still in public schools since they believe public education does not affect them directly anymore.

While the reasons for the increased enrollment in non-public schools are varied and complex, the information in Table 10 reveals that black children, whether because of discriminatory or economic reasons, comprised less than 7 percent of non-public school enrollments in 1970.

Table 10. Comparison of Public and Non-Public
School Enrollment by Race, 1970⁸

<u>Location of Schools</u>	<u>School Enrollment</u>			
	<u>Non-Public School Enrollment</u>	<u>Percentage of Whites in Non- Public Schools</u>	<u>Percentage of Blacks in Non- Public Schools</u>	<u>Percentage of Blacks in Public Schools</u>
Central Cities	2,400,000	88%	9%	33%
Suburbs	2,700,000	96	2	6
Non-SMSA Areas	1,300,000	97	3	12
Total	6,400,000	93%	5%	15%

Note: The percentage of blacks and whites in non-public schools do not total 100 percent because of incomplete information.

In the 11 southern states in 1953, there were 75,000 students enrolled in non-public schools. By 1972, this number had increased to 535,000, or 6.2 percent of all the school children in the south.⁹

Increased dependence on non-public schools has meant the loss of involvement and concern of many parents in the public school system. Parental apathy towards the public schools has created a situation where local government many times is faced with a situation of rising educational costs and shrinking tax revenues.

Both the willingness and ability of local governments to provide adequate financial support for schools designed to educate all children have diminished in the very areas where the private segregated school movement is strongest historically and have lagged far behind the rest of the nation in their financial support for public education.... Southern states do not have the economic strength to support two school systems. One of the principal reasons Southern education found it so difficult to upgrade public schools in the past was the crushing financial burden of operating a dual school system.¹⁰

There is no one element in the financial crisis of urban schools that can be singled out as the primary cause of the crisis. The President's Urban Education Task Force, however, identified several factors in this crisis. The factors included the financial deterioration due to population migration, higher cost of urban education than rural, inequitable state aid formulas that tend to "short-change" urban school systems, dwindling support and confidence in public education by the urban dweller, financial difficulties of non-public schools (primarily parochial schools) and the minimal level and minimal effect of federal funds.¹¹

Educational financing has contributed to the pressures for localities to select residents on the basis of economic status. This is

usually achieved publicly by land use controls, zoning and building ordinances and codes and employment opportunities. Privately, it is achieved by overt and covert racial discrimination. Non-public education has also isolated children from different races and economic levels from one another, as well as reducing the support base of the public school system.

As mentioned in Chapter I, the combination of the loss of almost \$30 billion in income to cities in 1973, when immigrating average family incomes are compared with outmigrating average incomes, and rapidly rising educational expenses adversely affect the provision of education in cities. Many urban school districts are faced with a decision of how to balance already high taxes and hostile taxpayers with the increasing needs and costs of education. One source of financial aid that has been utilized is the state.

State Educational Funding

State aid, totalling 40 percent of all public school expenditures in 1973, has played an important role in providing the fiscal resources for education, where local household incomes are fairly uniform.

The educational levels in suburbia are far more than a passive reflection of income differentials. State policies with regard to elementary and secondary education as reflected by intergovernmental fiscal flows play a powerful role in influencing the level of suburban education. In addition, a great portion of the educational disparities between suburbs and cities can be explained by state aid.¹²

Many states have their educational aid formulas based, in part, on the average daily attendance (the average number of students that are expected to come to class on any given day) and the number of standard instructional units in each school. There is usually a marked

difference in the average daily attendance (ADA) of students in city schools and suburban school districts, with most cities' ADA lower in proportion to total enrollment than suburban totals. There is little agreement on the causes for this, but the family environment, lack of motivation, discrimination and peer group pressures have varying influences on school attendance.

Another element of state aid is the number of standard instructional units in each school. In most states, the state board of education field checks each school periodically and rates its classrooms, laboratories and special educational facilities. Instructional units that are found to be standard, in relation to square footage, heat and other criteria, are certified and may be counted toward state aid. Substandard units, usually including mobile trailer units, unheated or poorly lighted rooms and similar units, do not receive any state aid and activities in such units must be paid for entirely by local funds.

Although state aid formulas are not overtly biased against city systems, they often have evolved into an unfair method of financial redistribution. A study of the 37 largest SMSA's in 1970 revealed that in 28 of them suburban districts received more state aid than the city systems, while seven city systems received more and two were the same.¹³

Racial Isolation

The ability to adequately maintain educational facilities and attain a positive racial and economic mixture in the classroom is based on the residents' desire and ability to force fiscal, residential and political changes in current policies. Blacks are divided on the

questions of annexation, consolidation and busing. Whites are opposed to busing and are unsure of the effects of black participation in the political and educational process. The financial capabilities of both racial groups are increasingly being strained to maintain the public school system.

Many blacks have moved from a position supporting civil rights acts which maintain that the law must be color blind to demanding black control of black schools, and in a larger sense, black majority cities. Dilution of black strength in the city through annexation or consolidation with suburban counties is not desired by many blacks who have only recently reached majority power.¹⁴

White suburban dwellers do not wish to change the environment which has been created for them by admitting people of different economic levels and cultural backgrounds. Thus, neither black nor white is strongly determined to break the city-suburban barriers, further reinforcing and sustaining racial isolation. The effects of isolation over time on both black and white children will "make subsequent integration increasingly more difficult. Segregation leads them to grow apart in interests and values."¹⁵

The results of racial isolation may be seen in the educational and political systems of the United States. The Equality of Educational Opportunity Survey revealed that "ghetto education is inferior in all aspects, that the factor of separation is most damaging to the achievement of the minority child, and that such damage increases with each succeeding grade."¹⁶ Another study found that the social-class composition of the school was "decisive in improving student achievement through

desegregation and that race (cut) across and correlat(ed) closely with social class."¹⁷

In more general terms, racial isolation leads to fundamental political issues of the distribution of power and access to the use of that power.

The ongoing interaction process of the community ... constitutes the norm-generating machinery of the community. Residence location or gerry-mandered school district boundaries are outgrowths, symptoms, or resultants of these interaction processes. This is the point at which decisions are made concerning who shall live and attend school where. This is a source of grass roots community influence. Only to the extent that Negroes enter into and are a part of such decision-making processes may the community be said to be racially integrated.¹⁸

The perception of oneself in relation to others and the social system at large plays a basic role in an individual's decision to participate, and what form that participation might take, in community affairs.

Man is not simply an acceptance-seeker in his interactions with others ... A person's self-image may precipitate acts designed to evoke rejective responses as well ... Whether the self-image requires acceptance or rejection in specified situations, however, it does lead the actor to fulfill a pattern of expectations.¹⁹

The importance of being a part of the decision-making process in a community, able to form its norms, cannot be overestimated in the long term assimilation process of various racial and economic groups, for

The internalization of group norms, adherence to role expectations, and efforts to elicit responses from others in line with the self-image contribute to the maintenance of organized group life.²⁰

A study of Detroit found that reduced black interaction, increased

poverty, and occupational and economic dissatisfaction were closely related to compressed black residential patterns in the inner city.²¹

Although white and middle income efforts have limited the mobility of lower income and black residents, they should not take all the blame for such isolation.

The lower classes and, indeed, ethnic minority groups may themselves create obstacles to their own aspirations. It may well be that strong antimobility sentiment serves to reduce the potential strains associated with striving for structurally unattainable goals.

... Lower-class anomia (is) likely to represent strain associated with both limits on occupational attainment and limits on opportunities for integration with the organized life of the community.²²

Racial isolation affects the perceptions people have of one another and their environment. Racism, unexercised black political power and residential and employment concentration of blacks in central cities contribute to the continuation of racial isolation by limiting black participation in the residential, economic and educational opportunities offered in the mainstream of a community.

Effects of Educational Desegregation

During the last 25 years, one of the more controversial issues in public education has been desegregation. The courts have struck down de jure segregation and have caused school systems to adopt methods of mixing students, such as busing, to achieve racial balance. The intent of desegregation, however, has become less clear and civil rights lawyers, their clients and liberal whites have split over the extent and reasons for the desegregation of schools. "The American society has tried to shift the burden of desegregation to the schools, and the schools have

tried to shift the burden of integration to the students."²³

Desegregation of public schools should benefit children under the following conditions:

1. Desegregation, as a symbol of equality affirmed and powerlessness denied, should increase black sense of control and white appreciation of democracy, provided it is achieved through individual or community self-determination and is freely chosen by the families involved, and provided black parents share in the control of such policies.
2. Desegregation should reduce stigma and enhance the self-esteem of black pupils provided that it is to a school of higher status and provided they are not placed in low-status programs or classes in the new school.
3. Desegregation, by reducing sense of deprivation relative to pupils in other schools, should raise the morale of black pupils, provided they do not feel deprived in relation to majority white pupils in the new school.
4. Desegregation may raise the expectations of significant others and so the motivation of black pupils, provided such expectations are from staff as well as parents, for those whose initial performance is low as well as high, and for white and black students alike.
5. Desegregation brings association with peers from whom favorable norms may be acquired, provided racial desegregation means social class desegregation and does not result in official or unofficial within-school segregation.
6. Desegregation brings interracial contact which may reduce prejudice, provided it is continued over a number of years, provided it is equal status and noncompetitive, and provided that the school administration offers firm leadership.²⁴

Negative impacts of desegregation are possible also and the following problems may be raised by desegregation:

1. Desegregation inevitably places some pupils in a minority group situation which may induce anxiety, unless both tokenism and rapid influx is avoided and unless the staff is firm and skillful in protecting whichever race is in the minority.
2. Desegregation exposes minority group pupils to cultural marginality and confusion as to their own identity, unless the staff is interracial, unless the curriculum recognizes the minority group culture, and unless there is opportunity for choice between assimilation and pluralism.

3. Desegregation allows self-evaluation against academic standards that may in some cases discourage motivation, unless help is available, competition is avoided, and instruction and evaluation are individualized.²⁵

A common perception is that desegregation of public schools causes white flight, further reducing revenue sources and increasing racial isolation. A recent study of 86 northern school districts by Christine Rossell, however, did not find a long term relationship between white flight and school desegregation. The study found that

any loss of whites occurred before school opens in the first year of the (desegregation) plan. After that, white flight stabilizes to a rate slightly better than the pre-desegregation period. Therefore, white flight, if it occurs at all, occurs not from the problems experienced during the first year of desegregation, but from the fear of the problems. In other words, if whites leave, it is typically not because they participated in the plan and did not like it, but because they refused to participate at all.²⁶

The same study reported that the effect of school desegregation on white outmigration was minimal when compared to other forces such as increased crime, rapid movement of jobs to suburban facilities, greater housing construction activity in the suburbs than in the cities, the decline in the level of some city services and the deterioration of city schools and declining achievement scores.²⁷

Rossell also identified a fundamental point in school desegregation, its circular relationship with residential patterns. The study advanced the notion that

it would be extremely difficult to implement stable housing integration involving a large number of blacks, without a framework of area-wide integrated schools. Once blacks begin to move into a particular area, that area tends to become increasingly more black unless new white families move in to replace those who leave in the normal process of residential mobility. Under the existing laissez-faire system, however, there is absolutely no incentive for a white family to move into

a neighborhood with a substantial number of black neighbors because, based on past experiences, the neighborhood school will in all probability become predominantly black in the future.... Therefore, without a desegregation plan, the white family often does not perceive a choice between an all-white school and one that is almost certain to become virtually all black. The only way to break this cycle of expectations is to assure families that the schools will be integrated wherever they move in the city.²⁸

In addition to residential influences, educational desegregation also affects the students involved directly with it. After reviewing more than 120 studies of educational desegregation, St. John concluded that desegregation was not detrimental to the academic performance of black children. She found it may, however, affect their self-esteem and lower their educational and vocational aspirations. Based on the occupational aspirations by parents for their children in the Detroit study by Smith, it appears many parents are not realistic in their assessments of the ability of education to affect the success of their children. St. John speaks to this point by remarking,

It is possible, however, to interpret a reduction of unrealistically high aspirations as an overall gain. Moreover, there is some evidence that in the long run desegregation may encourage the aspiration, self-esteem and sense of environmental control of black youth.²⁹

The importance of education cannot be minimized, as educational achievement increasingly is becoming a filter to screen out certain individuals from consideration in a variety of occupations.

The practice of "credentialism" - the use of educational credentials as a quick and allegedly inexpensive device for screening out socially undesirable individuals - appears to be an increasingly important explanation of the correlation between completion of high school or college ... and income.... Whether or not such concern reflects willful discrimination, the result is to "screen out" minority workers who may well be capable of performing the requisite job tasks.³⁰

Desegregation is a means, not an end, to quality education and is but one of many tools to be used. Placing exclusive emphasis on educational desegregation by busing could be detrimental to the long term educational achievement of both black and white students.

The policies of this research concentrate instead on the achievement of desegregation in residential and employment, as well as educational opportunities. While educational desegregation may improve educational quality for lower income students and increase the contact time among racially-mixed students, it alone cannot address the wider issues of desegregation. Educational desegregation may serve to reinforce changes toward residential and employment desegregation but is viewed as only one of the elements necessary for desegregation. These policies are outlined in greater detail in Chapter VI.

Summary

The public educational system has evolved as a result of demographic changes. Many times, racial isolation has created circumstances in urban areas which make educational desegregation impractical. Racial isolation has occurred as a result of the suburban migration of whites, the entrapment of many blacks in central cities and the resulting local governmental policies designed to maintain the separation.

Education is recognized as a powerful tool by blacks and whites. Expectations for education, however, generally exceed reality. Racial isolation again negatively influences the attainment of many blacks' expectations, whether residential, economic or educational.

The financing of education is placing an increasing burden on

all school districts, especially those in lower income communities. State aid programs appear generally to offer minimal redistribution of educational resources.

Past implementation of educational desegregation has caused tension in many communities. Busing has been used to bring about desegregation when it cannot occur "naturally" and has contributed to increased residential apprehensions.

The elements of public education have suffered deep shocks because of racial transition, increased residential mobility and the lack of a clear direction and role for education. Innovations in curricula, redefinition of roles and methods of desegregation are but wasted activities and time if a clear direction is not apparent.

... (W)e must beware lest we become so devoted to motion that we neglect the question of direction and be entirely satisfied with movements in circles. Here, I think, we find the fundamental weakness ... of American education generally. Like a baby shaking a rattle, we seem to be utterly content with action, provided it is sufficiently vigorous and noisy.³¹

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CHAPTER III

AGENTS OF CHANGE

The circumstances within which education occurs have been defined through an analysis of urban demographic patterns in Chapter I and the process of public education as an objective of national policy, state responsibility and local implementation in Chapter II. A more detailed analysis of four of the agents of change that have helped to develop this structure of public education is the objective of this chapter. The four agents of change are the educational system, the courts, local government and open housing.

Each of these change agents influences the process of education and ultimately the desegregation of the public system in various ways. The educational system itself tends to maintain established relationships and patterns of interaction. The courts' primary function is to modify these patterns and relationships when they lead to de jure segregation and unequal opportunities for blacks. Local government's role is critical, for it is closest to the people affected and must respond to its constituent's values and beliefs in implementing or modifying policies. Open housing holds the key to effective and complete desegregation of a community. When a neighborhood is racially heterogeneous interracial contact time will increase and the natural desegregation of recreational facilities, voluntary community organizations and educational facilities will likely follow.

The Educational System

Providers, clients and suppliers of education are defined as the primary components in the educational system. Providers are those that pay for education, the taxpayers. The clients of the public educational system are the children enrolled in school. The suppliers of public education are a consortium of teachers, administrators, parents and the community.

The desegregation of public educational facilities has affected the three components and has modified many existing methods and practices. A fuller discussion of the effects of desegregation follows an investigation of the educational components.

Providers of Education

Characteristics of local providers of education, the taxpayers, vary widely among jurisdictions because of the tendency of American communities to be relatively homogeneous. Those districts with lower income residents, of lesser educational achievement and having little opportunity to assimilate into the power structure of the jurisdiction or region, necessarily are at a disadvantage in terms of fiscal and human resources in providing educational opportunities for their children.

While federal and state contributions to education have increased and helped to relieve local fiscal commitments, their redistributive effects have been minimal. State aid formulas, at best, are neutral toward the special needs of city school systems with a large proportion of black or lower income students. Federal funding, totalling less than 10 percent of educational costs in most localities, primarily aids

special programs such as lunch programs, early learning centers, special and remedial classes for lower income children and other similar programs. City school districts with a large proportion of black or lower income students usually utilize the federal grants more than suburban districts. Reasons for this are not clear, but the strongest argument is that the city systems have a greater perceived need for the services and that city systems with relatively large proportions of blacks are less hesitant to comply with federal regulations and requirements concerning desegregation and equal opportunity for blacks. Federal funding does not involve mainstream educational programs but rather has been formulated to service particular groups of students with specific needs. This accomplishes the objectives of the programs but does not build future support for increased efforts of funding and program expansion because of the limited nature of, and target student groups for, the programs.

Clients of Education

Efforts toward improving the quality of education and educational desegregation over the last 20 years have affected students with varying success. Students from lower income families, both black and white, have not shown substantial improvement in educational attainment since de jure segregation was struck down in 1954.

The family and its interactions with the public educational system of suppliers is a crucial element in the success of education to an individual child. The status and ambition of a family help to determine the ultimate success of the educational process for each child.¹

According to Christopher Jencks' interpretation of the results of the Equality of Educational Opportunity Report,

... (C)hildren seem to be far more influenced by what happens at home than by what happens in school ... Second, reformers have very little control over those aspects of school life that affect children. Reallocating resources, reassigning pupils, and rewriting the curriculum seldom changes the way teachers and students actually treat each other.... Third, even when a school exerts an unusual influence on children, the resulting changes are not likely to persist into adulthood.²

The educational system is geared to react to students according to particular and familiar student responses. Therefore, children from a different home environment with different values and cultural traits than the dominant student group could be treated differently by the school system. This is one reason that inequality in schools exists not so much between different schools but rather within the same school.

The inequality in American education is accounted for, not so much by the differences between schools, but by how the same school treats different children. By defining the learning situation in a certain fashion and rewarding some forms of behavior and performance to the exclusion of others, the schools create conditions for differential treatment.³

Many public schools have not been able to meet the needs of black students. While the home environment and peer association are important elements in the total development of a black child, the educational process should help the child toward his or her objectives. The Equality of Educational Opportunity Report, however, found just the opposite to be true. The report found that black children involved in the survey had

a serious educational deficiency at the start of school, which is obviously not a result of school, and they have an even more serious deficiency at the end of school, which is obviously, in part, a result of school.... At the end of school, the conditional probabilities of high achievement are even more conditional upon racial or ethnic background than they are at the beginning of school.⁴

The importance of a child feeling that he has control over the

situation within which he is in was found to be most important by the Equality of Educational Opportunity Report. Interpretation of the report revealed that

Of all the variables measured in the survey, the attitudes of student interest in school, self-concept, and sense of environmental control show the strongest relation to achievement.... (The) pupil attitude factor which appears to have a stronger relationship to achievement than do all the "school" factors together is the extent to which an individual feels that he has some control over his destiny.⁵

Suppliers of Education

The roles of the suppliers of public education (teachers, administrators, parents and the community) are not clearly defined nor obvious because of the difficult nature in defining the role of education itself. The American system of education is based on the European system that was devised to educate the elite of a society.

The relationships among the suppliers themselves have evolved in many urban regions because of various demographic changes that have taken place.

... Over the last two decades, we have witnessed extensive changes in the composition of our urban population.... Of the new families many are first-generation urban dwellers, and a large proportion of these are still rurally oriented; their cultural traditions differ significantly from the standard middle-class values embedded in city school systems and professed by teachers and school administrators.⁶

The activities of the suppliers of public education reflect current values and powers in a community's social and political system. The political involvement of education must not be overlooked, for it symbolizes both the desire by many blacks for equality in the community and serves as a symbol of control over blacks for many whites.

The politics of education are intense at all levels of government.... Politics is the art of allocating resources; and in today's world, education serves the function of sorting individuals into two camps, the haves and the have nots. Even though education is not the only route out of this category, it appears, at least for minorities, the most viable and promising way out.⁷

Teachers, administrators and parents are dependent on one another to equalize the defects and shortcomings of one another. This dependency, however, usually remains unfilled.

The sources of inequality of educational opportunity appear to lie first in the home itself and the cultural influences immediately surrounding the home; then they lie in the school's ineffectiveness to free achievement from the impact of the home, and in the school's cultural homogeneity which perpetuates the social influences of the home and its environs.⁸

In effect, most Americans favor equality of opportunity, but "contrary to the conventional wisdom, ... equality of opportunity (cannot be achieved) without a good deal of equality of conditions."⁹

As with other institutions, the stated objectives of the public educational system and its actual practices differ. While the suppliers of education should be accountable to one another and to the students, they often are not. Decisions that should be made either by the community or with its approval are sometimes made by school administrators insulated from the community's needs and demands. To better serve the community, a school must become a part of that community, integrated with, and dependent on, its decision-making processes.

Shortcomings. While no one element can be singled out, particular shortcomings are evident for each of the three components of the educational system. The providers of education have not achieved equitable financial redistribution. Local educational funding comes from property

taxes, which often leads to discrimination against certain residents by local government.

The lack of equitable financial redistribution many times has affected the residential opportunities for blacks and curtailed needed educational services and programs. Federal funding affects only a small group of students for specialized needs. State educational funding likewise has offered little to urban school districts in terms of equitable redistribution or incentives to better utilize existing resources.

The clients of education have failed to break free of the impediments of negative peer association and home environment when present. The basic advantages of the public educational system are offered to all children, whether the child accepts these services is another matter. A child must be willing to learn before he is able to learn. While schools have many defects, many do offer a system of order and relationships that can be utilized by a child in other learning experiences in the home environment and with friends to gain a more useful educational experience from these contacts.

The full responsibility of learning cannot be placed with a child, however, but should be shared by the suppliers of education. The interrelationship among parents, peers and teachers makes it critical that each tries to relate to the other positively. The lack of communication, a basic understanding and rapport, among the suppliers of education appears to be one of the fundamental hindrances in educational achievement for many students. Differing values, cultures and methods of expression tend to isolate one group from one another and only worsen the

difficulty of communication.

A child receives education in the home, on the streets and in school. In situations where educational influences are negative in either the home or from the street, the public educational process has little chance to succeed with that individual child unless the school can impart its system of learning with the child.

Desegregation of Education

Modification to the existing actions of the suppliers, clients and providers of education has been brought about by educational desegregation. The desegregation has usually been implemented by court order to equalize the provision of public education to all students regardless of race.

The relationship between desegregation and improved performance of black students from lower income families has been both refuted and supported. There appears to be some substance to the contention, however, that the mixing of students from different economic levels benefits the lower economic level students as long as the percentage of lower income students does not exceed the tipping point, an undefined point at which students from upper income families are withdrawn from mixed school environments. The Equality of Educational Opportunity Report found that black students from lower income families in largely middle class schools were almost 20 months ahead of lower income blacks in largely low income schools.¹⁰

Methods of Desegregation. Methods of desegregation may be basically categorized under one of the following plans.

- Redistricting school attendance zones.
- Pairing non-coterminous schools with one another to achieve racial balance in each.
- Open enrollment, the busing of black children to predominantly white schools.
- Educational park concept where five or six grammar schools, several junior high schools and a comprehensive high school are located within a large campus that draws students from an area large enough to gain a heterogeneous school population.
- Open enrollment in reverse, the busing of white children to predominantly black schools.
- New construction of schools to be located on the common boundary of the residential areas of different racial groups.

Without recounting the strengths and weaknesses of these plans, their nature is readily apparent. They assume that the educational process alone is persuasive enough to affect the community's attitudes toward adopting and implementing fuller desegregation policies and programs. Further, these plans assume that achieving and maintaining a certain proportion of black and white students in a school can be achieved without the wider desegregation of the community. Such assumptions are unrealistic and unsatisfactory for the long term success of educational desegregation.

The educational system has a commitment to desegregation but must act in concert with other elements of a community. The recommendations of this report view educational desegregation as but one of many factors contributing to the goals of redistribution. The task of desegregation

cannot, in fact must not, be the responsibility of the educational system alone.

Summary

Critical relationships exist among the suppliers, clients and providers of education. The suppliers of education, the taxpayers, financially support the system. The means of support, however, depend largely on property taxes, which tend to reduce residential opportunities for lower income residents and blacks. Lack of fiscal support also may curtail needed educational programs and reduce the level and effectiveness of educational services.

The clients of education, the students, are influenced by their teachers, parents and peers. While the school is not the only method of education for children, its principles are most important for a child's overall learning experience.

The providers of education, school administrators and classroom teachers, parents and the community, are perhaps the most important elements in the system. The school administrator and the classroom teacher are responsible for implementing the policies and decisions of the school board and the state. The educators frequently work with parents and the community in making education more useful to the student. What is important to the student is not so much how equal the school is, but rather whether the educational system equipped the student at the end of school to compete on an equal basis with others.¹¹

Desegregation of schools is important, however, because the effectiveness of education is reduced by racial isolation. "Probably the most important mission of the schools in the slums is to convince slum

children that they are a part of America and can be successful."¹²

Reference Notes

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The Courts

By virtue of default, the courts have served as one of the most influential agents of change in the desegregation of public schools, housing, public facilities and, to a lesser extent, private facilities. The courts, however, cannot order action or implement new policies unless they determine that personal constitutional rights have been violated, since

the dominating characteristic of modern federal litigation is that lawsuits do not arise out of disputes between private parties about private rights. Instead, the object of litigation is the vindication of constitutional or statutory policies.¹

The judicial decrees that have evolved in desegregation litigation over the last 25 years have virtually redefined public and private actions. These judgements have expanded the courts' access to herebefore private, or de facto, segregative policies and exposed such actions to judicial remedies of de jure segregation.

The judicial evolution in the distinction between de facto and de jure segregation has been a tedious one and has not yet completed its present cycle. To better understand the court school desegregation decisions since 1954, the school cases and other related cases have been categorized into five periods:

- Initial school desegregation decisions of 1954 and 1955.
- Clarification decisions.
- Implementation decisions.
- Contraction and expansion of judicial interpretation.
- Related de facto issues to educational segregation.

While judicial desegregation was occurring in public schools, inroads were being made in other human rights' areas previously considered to be of private (de facto) concerns. These include the desegregation of private associations and public facilities, the expansion of public housing into suburban areas and the reduction of employment barriers for blacks and other minority groups. These cases have helped to redefine de facto and de jure segregation and have played an important role in the gains made by educational desegregation.

Initial School Desegregation Decisions of 1954 and 1955

In Brown v. Board of Education (74 S.Ct. 692, 1954) the Supreme Court ruled that "... in the field of education the doctrine of 'separate but equal' has no place." It became apparent in a subsequent decision, however, that desegregation does not mean integration. When the same case was brought before the high court again in May, 1955 (75 S.Ct. 753, 1955) in order for the Justices to specify the details of their 1954 decision, the boundaries of the plan of desegregation were set. The Supreme Court remanded the school cases before it to the respective Federal District Courts for final disposition and implementation. The Chief Justice outlined the obligations and duties of the District Courts in writing,

... the courts may consider problems relating to administration, ... the school transportation system, personnel, revision of school districts and attendance areas into compact (emphasis added) units to achieve a system of determining admission to the public schools on a nonracial basis. (75 S.Ct. 756, 1955)

When the Topeka Board of Education presented its plan of school attendance zones to the District Court in compliance with the Supreme Court decree in October, 1955 (Brown v. Board of Education of Topeka,

139 F.Supp. 468, 1955) the court interpreted the Supreme Court language by stating,

Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color. (139 F.Supp. 470, 1955)

This interpretation was left to stand by the Supreme Court and over the next 10 years other cases came before district courts testing the validity of the neighborhood school concept and attendance zones that perpetuated segregation in local schools.

Clarification Decisions

The case that perhaps had the most judicial impact during the 1960's was Bell v. School City of Gary, Indiana (213 F.Supp. 819, 1963).

The court decided in favor of the school system when it reported,

... the court cannot see that the Board of Education has deliberately or purposely segregated the Gary schools according to race...

The problem in Gary is not one of segregated schools but rather one of segregated housing. Either by choice or design, the Negro population of Gary is concentrated in the so-called central area, and as a result (emphasis added) the schools in that areas are populated by Negro students. (213 F.Supp. 826-7, 1963)

One portion of the decision that was to stand for almost eight years with little judicial reinterpretation was the section dealing with the neighborhood school concept.

The neighborhood school which serves the students within a prescribed district is a long and well established institution in American public school education.... I have seen nothing ... which leads me to believe that the law requires that a school system developed on the neighborhood school plan, honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools

where the district is populated almost entirely by Negroes or whites. (213 F.Supp. 829, 1963) (emphasis added)

The recurring problems of deliberate speed and actual desegregation of public schools were raised in Green v. County School Board of New Kent County, Virginia (391 U.S. 430, 1967 and 88 S.Ct. 1689, 1968).

The issue before the District Court, as described in the decree was that

The School Board contends that it fully discharged its obligation (under Brown I and II) by adopting a plan by which every student, regardless of race, may freely choose the school he will attend.... (W)hat is involved here is the question whether the Board has achieved the "racially non-discriminatory school system" Brown II held must be effectuated in order to remedy the established unconstitutional deficiencies of its segregated system. (391 U.S. 437, 1967)

The Court then assessed the effectiveness of New Kent County's freedom-of-choice plan by stating

The New Kent School Board's freedom-of-choice plan cannot be accepted as a sufficient step to effectuate a transition to a unitary system. In three years of operation not a single white child has chosen to attend (the all black school) ... and although 115 Negro children enrolled in (the white) school in 1967 ... 85 percent of the Negro children in the system still attend the all-Negro Watkins school. (391 U.S. 441-2, 1967)

The remedy of the Court was for the New Kent School Board to formulate a new plan "which promise(s) realistically to convert promptly to a system without a white school and a Negro school, but just schools." (391 U.S. 442, 1967)

The case was heard on appeal before the Supreme Court and the Court upheld the lower court ruling, with emphasis on the timing of the school board's actions in relation to the directives of Brown II.

Brown II was a call for the dismantling of well-entrenched dual systems tempered by an awareness that complex and multi-

faceted problems would arise which would require time and flexibility for a successful resolution....

In determining whether respondent School Board met that command by adopting its "freedom-of-choice" plan, it is relevant that this first step did not come until some ... ten years after Brown II directed the making of a "prompt and reasonable start." ... Such delays are no longer tolerable ... Moreover, a plan that at this late date fails to provide meaningful assurance of prompt and effective dis-establishment of a dual system is also intolerable.... The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now. (88 S.Ct. 1694, 1968)

In clarifying the role of a freedom-of-choice plan, the Court remarked,

We do not hold that "freedom-of-choice" can have no place in such a plan. We do not hold that a "freedom-of-choice" plan might of itself be unconstitutional.... Rather, all we decide today is that in desegregating a dual system a plan utilizing "freedom-of-choice" is not an end in itself. (88 S.Ct. 1695, 1968)

One of the first major school desegregation cases to occur outside the south was Keyes v. School District Number One, Denver, Colorado (313 F.Supp. 61, 1970, 313 F.Supp. 90, 1970 and 93 S.Ct. 2686, 1973).

In this case, the Court defined principles essential to de jure segregation, including

- (1) The State, or more specifically, the school administration must have taken some action with a purpose to segregate;
- (2) this action must have in fact created or aggravated segregation at the school or schools in question;
- (3) a current condition of segregation must exist; and
- (4) there must be a causal connection between the acts of the school administration complained of and the current condition of segregation. (313 F.Supp. 73, 1970)

In further separating de facto and de jure segregation, the Court

stated,

Today, a school board is not constitutionally required to integrate schools which have become segregated because of the effect of racial housing patterns on the neighborhood school system. However, if the school board chooses not to take positive steps to allievate de facto segregation, it must at a minimum insure that its schools offer an equal educational opportunity. (313 F.Supp. 83, 1970)

The ruling on the case by the Court upheld equal educational opportunities, but was unsure about the means of achieving such opportunities.

In connection with equalizing the educational opportunity, it is not so clear that compulsory transportation is the answer ... (S)etting up an artificial and extensive system of busing which compels cross-movement and which is not supported by either side has some tendency to undermine the program from the start ...

There is a dearth of law in connection with the remedy applicable to equalizing the educational opportunity, and compulsory integration is not yet at least the prescribed remedy. (313 F.Supp. 84-5, 1970)

On appeal to the Supreme Court, the ruling of the District Court was upheld. However, the distinction between de facto and de jure segregation was prominent in the decision, as the majority opinion tried to define that distinction.

... (A)t some point in time the relationship between past segregative acts and present segregation may become so attenuated as to be incapable of supporting a finding of de jure segregation warrenting judicial intervention.... Intentional school segregation in the past may have been a factor in creating a natural environment for the growth of further segregation. (93 S.Ct. 2694, 1973)

Justice Douglas, in a concurring opinion, added

I think it is time to state that there is no constitutional difference between de jure and de facto segregation, for each is the product of state actions or policies. If a neighborhood or geographic unit has been created along racial lines by reason

of the play of restrictive covenants ... there is state action in the constitutional sense because the force of law is placed behind those covenants.

When a State forces, aids, or abets or helps create a racial neighborhood, it is a travesty of justice to treat that neighborhood as sacrosanct in the sense that its creation is free from the taint of state action. (93 S.Ct. 2701, 1973)

Justice Powell also called for the distinction to be dropped on the grounds that southern and northern school desegregation cases were being judged by different standards.

The net result of the Court's language ... is the application of an effect test to the actions of southern school districts and an intent test to those in other sections.... Rather than straining to perpetuate any such dual standard, we should hold forthrightly that significant segregated school conditions in any section of the country are a prima facie violation of constitutional rights. (93 S.Ct. 2709, 1973)

The same quandry was evident in San Francisco Unified School District v. Johnson (479 P.2d. 669, 1971), when the Court stated,

The courts have not drawn a clear distinction between de facto and de jure segregation. Some courts have defined de facto segregation as that resulting from residential patterns in a nonracially motivated neighborhood school system. These residential patterns, however, may in part be the product of unconstitutional enforcement of restrictive racial covenants. While such residential patterns were developing, moreover, the school board was collaterally engaged in reaching decisions respecting pupil assignments, attendance zones, transportation, and the location of new facilities, which decisions in turn necessarily influenced the racial composition of the residential areas. Often a board decision, although based upon neutral principles, foreseeably will and does lead to increased school segregation. The weighing of the motive and effect of board decisions stretching back for many years to arrive at the present structure presents a highly difficult and possibly insoluble task. (479 P.2d. 680-1, 1971)

While the Supreme Court was forthright in declaring that "in the field of education the doctrine of 'separate but equal' has no place" (74 S.Ct. 692, 1954), implementation of the order was met with resistance

and hesitation. To clarify its original decision, the Supreme Court heard selected educational desegregation cases. Effective implementation through this period of clarification, however, was minimal. The Court did not move with deliberate speed to require compliance from local school districts until 1968.

The distinction between de facto and de jure segregation was an issue which the Supreme Court used to mollify growing opposition to educational desegregation from affected school districts, local and state officials and parents. The Court, in essence, required that local school districts address the causes of de jure segregation but were not responsible for de facto segregative situations.

During this clarification period, the Supreme Court defined the boundaries of its initial Brown decision. Although the actions of the Court were lethargic during this period, they still established the basis for the next period of the Court's vigorous implementation of its educational desegregation decree.

Implementation Decisions

In 1971, the Supreme Court affirmed the practice of busing to achieve racial desegregation in Swann v. Charlotte-Mecklenburg Board of Education (91 S.Ct. 1267, 1971). It took note of the fact that education patterns were dependent upon factors other than those controlled by the schools. The Court

found that residential patterns in the city and county resulted in part from federal, state and local government action other than school board decisions. School board action based on these patterns ... resulted in segregated education.

...

People gravitate toward school facilities, just as schools are located in response to the needs of the people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner-city neighborhoods. (91 S.Ct. 1272, 1278, 1971)

In affirming busing, the Court outlined some of the reasons why desegregation had become so difficult to achieve.

The failure of local authorities to meet their constitutional obligations aggravated the massive problem of converting from the state-enforced, discrimination of racially separate school systems. This process has been rendered more difficult by changes since 1954 in the structure and patterns of communities, the growth of student population, movement of families, and other changes, some of which had marked impact on school planning, sometimes neutralizing or negating remedial action before it was fully implemented. (91 S.Ct. 1275, 1971)

In a case involving the consolidation of Indianapolis and Marion County, United States of America v. The Board of School Commissioners of the City of Indianapolis, Indiana (332 F.Supp. 655, 1971, 474 F.2d. 81, 1973, 368 F.Supp. 1191, 1973, 503 F.2d. 68, 1974), the courts considered changes in long-standing state statutes concerning education.

In 1961, the Indiana General Assembly passed an act which allowed "The School City of Indianapolis, alone among the major school cities of the State, to have jurisdiction over a lesser territorial area than the corresponding civil city." (332 F.Supp. 675, 1971)

The Acts of 1969, which amended the 1961 Act, abolished "the concept that the school and civil cities in counties having a city of the first class would have coterminous boundaries, and (effectively) limited the School City of Indianapolis to enlarging its territory." (332 F.Supp. 675, 1971) Indianapolis was the only city of the first class in the State.

Further, the Consolidated First Class Cities and Counties Act (Uni-Gov) of 1969, stated that "any school corporation all or part of the

territory of which is in the consolidated city or county shall not be affected by this Act." (332 F.Supp. 676, 1971)

Several fundamental issues were addressed by the Court, perhaps the most important one being the tipping factor of racial transition.

The undisputed evidence in this case ... is that when the percentage of Negro pupils in a given school approaches 40 percent, more or less, the white exodus becomes accelerated and irreversible. Therefore, resegregation rapidly occurs, and the entire central core of the involved city develops into a virtually all-Negro city within a city when, as in Indianapolis, the Negro residential area is largely confined to a portion of the central city in the first place.

... (I)t is obvious that something more than a routine, computerized approach to the problem of desegregation is required of this Court, lest the tipping point be reached and passed beyond retrieve ... The easy way out for this Court and for the Board would be to order a massive "fruit basket" scrambling of students within the School City ... The power to do so is undoubted. There is just one thing wrong with this simplistic solution: in the long haul, it will not work.

With due regard for the opinions of the many other courts which have grappled with the problems here involved, ... this Court is compelled to say that the common characteristics of most of them is tunnel vision. In interpreting the mandate of Green "to come forward with a plan that promises realistically to work now," they have tended to stress the same word stressed by the Supreme Court, and in doing so have focused exclusively on the school board defendant. If the school system involved is already at or near the tipping point, nothing is accomplished ... As to the Green command, this Court prefers to stress its major thrust: "promises realistically to work."

Realistically, it is clear that the tipping point and resegregation problem would pale into insignificance if the Board's jurisdiction were coterminous with that of Uni-Gov. (332 F.Supp. 676, 678-9, 1971)

The District Court then raised seven questions. The fundamental ones were the constitutionality of the 1969 Acts, the automatic extension of the School City boundaries coterminous with the Civil City under Uni-Gov and the merit of the General Assembly providing for the creation

of a metropolitan school district "to purge the State of its role in contributing to de jure segregation in the Indianapolis School System." (332 F.Supp. 679, 1971)

The order of the Court was limited until responsible parties were able to respond to the questions posed. Litigation proceeded through the Court of Appeals and back to the District Court in 1973. The District Court held that effective desegregation of Indianapolis public schools could not be achieved through an Indianapolis-only plan; that the State had a duty to devise a metropolitan plan; and that if the State did not formulate such a plan the Court could promulgate its own plan on legislative default.

Probing for underlying causes of the patterns of school segregation, the Court asked why few blacks lived in suburban areas and found that

There can be little doubt that the principal factor which has caused members of the Negro race to be confined to living in certain limited areas in the urban centers in the north ... has been racial discrimination in housing which has prevented them from living any place else.

The foregoing should not be taken to mean that this action is one having to do with discrimination in housing, and this Court does not consider that a school desegregation action is one in which it is appropriate to attempt to remedy such discrimination, past or present. However, when it may be demonstrated that, as here, the discriminatory customs and usages mentioned have had a demonstrably causal relationship to segregation in the schools, such factors should not be casually swept under the table. (368 F.Supp. 1204-5, 1973)

The heart of the Court's decree was that

The record establishes that the State has committed de jure acts of segregation and that the State controls the instrumentalities whose action is necessary to remedy the harmful effects of the State acts.... In the instant case the only feasible desegregation plan

involves the crossing of the boundary lines between the Indianapolis Public School System (IPS) and adjacent or nearby school districts for the limited purpose of providing an effective desegregation plan. The power to disregard such artificial barriers is all the more clear where, as here, the State has been guilty of discrimination which had the effect of creating and maintaining racial segregation along school district lines.

If we hold that school district boundaries are absolute barriers to an IPS school desegregation plan, we would be opening a way to nullify Brown v. Board of Education which overruled Plessy v. Ferguson (16 S.Ct. 1138, 1896) (and the separate but equal doctrine). (368 F.Supp. 1205-6, 1973)

The Court did not order a metropolitan desegregation plan to be implemented because

It is Negro children of IPS and not suburban children who are being deprived of a constitutional right, and so long as the various school corporations remain separate the Court believes that it would have no basis to direct that a suburban child be transported out of its own school corporation.

...

IPS is directed to rearrange the enrollment patterns in its elementary schools (and high schools) ... such that each school will have a minimum Negro enrollment of in the area of 15 percent ... Pairing or clustering should be of schools in close proximity, if possible ... If after utilizing such procedures, certain schools do not meet the required numbers, pairing or clustering of schools in non-contiguous zones will be resorted to.

If transportation of pupils is required ... IPS and defendant officials of IPS are instructed that transportation of students of the two races shall be generally proportionate. (368 F.Supp. 1209, 1973)

In 1974, the case was heard in the Court of Appeals, which reversed the District Court's ruling of a metropolitan plan of desegregation. The Court of Appeals found that adjoining school districts in the metropolitan region did not commit de jure segregation because there was not a sufficient number of blacks in the jurisdictions to adequately document discrimination. The Court, however, did uphold the District

Court's desegregation plan within IPS and concluded that the 15 percent minimum black enrollment in each school was reasonable.

The Court of Appeals sent the case back to the District Court for further hearings to determine "whether the establishment of the Uni-Gov boundaries without a like reestablishment of IPS boundaries warrents an inter-district remedy within Uni-Gov." (503 F.2d. 86, 1974)

The Courts, in 1972 had the opportunity to rule on the constitutionality of a city breaking a contract for educational services when the system was faced with desegregation, in Wright v. Council of the City of Emporia (92 S.Ct. 2196, 1972).

In 1967, Emporia, Virginia became a second class city with the right to maintain its own independent school system. The city chose, instead, to contract with a county school system for the education of the city's children. When a District Court order to desegregate was issued in 1969, Emporia broke the contract and established its own school district. The Supreme Court upheld the District Court's ruling on the basis that

The power of the District Court to enjoin Emporia's withdrawal from (the county) system need not rest upon an independent constitutional violation. The court's remedial power was invoked on the basis of a finding that the dual school system violated the Constitution, and since the city and the county constituted but one unit for the purpose of student assignments during the entire time that the dual system was maintained, they were properly treated as a single unit for the purpose of dismantling that system.

The effect of Emporia's proposal was to erect new boundary lines for the purpose of school attendance in a district where no such lines had previously existed.... (S)uch a proposal must be judged according to whether it hinders or furthers the process of school desegregation. (92 S.Ct. 2202, 1972)

The Supreme Court held that the city would not be permitted to

establish a separate school system where the effect of doing so would impede the process of dismantling the dual system to which the city was party since 1967.

The mandate of Brown II was to desegregate schools, and we have said that "the measure of any desegregation plan is its effectiveness" ... Thus, we have focused upon the effect - not the purpose or motivation - of a school board's action in determining whether it is a permissible method of dismantling a dual system. The existence of a permissible purpose cannot sustain an action that has an impermissible effect. (92 S.Ct. 2203, 1973)

Contraction and Expansion of Judicial Interpretation

The first interdistrict busing case to reach the Supreme Court was Milliken v. Bradley (94 S.Ct. 3112, 1974). The case involved the Detroit school system and 53 surrounding suburban school districts. The District Court in the original case (338 F.Supp. 582, 1972) ruled that the Detroit public school system was an illegally segregated system. The Court ordered the Detroit Board of Education to submit desegregation plans for the city's schools. At the same time, the State was directed to submit desegregation plans which included the 85 suburban school systems surrounding Detroit, although the school districts were not parties in the original suit. After several appeals by the State, the District Court designated the desegregation area to include 54 school districts, including Detroit. The plan was approved to divide the districts into 15 areas, each containing a segment of the Detroit system and two or more suburban districts. The case was heard then by the Court of Appeals (484 F.2d. 215, 1973) which affirmed the District Court opinion, concluding that

... the only feasible desegregation plan involves the crossing of the boundary lines between the Detroit School District and adjacent

or nearby school districts for the limited purpose of providing an effective desegregation plan. (484 F.2d. 245, 1973)

The case was then appealed to the Supreme Court, where the lower courts' decisions were reversed. The argument of the high court was based upon

... the notion that school district lines may be casually ignored or treated as a mere administrative convenience is contrary to the history of public education in our country. No single tradition is more deeply rooted than local control over the operation of schools.

... Before the boundaries of separate and autonomous school districts may be set aside by consolidating the separate units for remedial purposes or by imposing a cross-district remedy, it must first be shown that there has been a constitutional violation within one district that produces a significant segregative effect in another district (emphasis added). Specifically, it must be shown that racially discriminatory acts of state or local school districts, or of a single school district have been a substantial cause of interdistrict segregation ... The record before us, voluminous as it is, contains evidence of de jure segregated conditions only in the Detroit schools. (94 S.Ct. 3125, 3127, 1974)

Another interdistrict educational desegregation case, Evans v. Buchanan (379 F.Supp. 1218, 1974, 393 F.Supp. 428, 1975, 46 L.Ed.2d. 293, 1975), originated in 1957 and did not receive affirmation from the Supreme Court until 1975.

Black students and the Wilmington (Delaware) Board of Education brought suit against the State Board of Education charging that a dual segregated school system was maintained by the State in New Castle County. The District Court found that

Despite the fact that the Wilmington Board adopted facially neutral geographic attendance zones, Wilmington continues to have many racially identifiable schools.

The presence of racially identifiable schools in a formally de jure system is always constitutionally suspect.... This Court can only conclude that the presence of these schools is a clear indication that segregated schooling in Wilmington has never

been eliminated and that there still exists a dual school system. (379 F.Supp. 1223, 1974)

During the period from 1954 to 1973, black enrollment in suburban New Castle County schools went from 4 percent black to 6 percent. The black student population in Wilmington's schools went from 28 percent to 83 percent in the same period. The District Court sought reasons why the increased proportion of black students was so dramatic in the city and minimal in the suburban systems. The Court followed the language in Milliken to form its criteria.

Before the boundaries of separate and autonomous school districts may be set aside by consolidating the separate units for remedial purposes or by imposing a cross-district remedy, it must first be shown that there has been a constitutional violation within one district that produces a significant segregative effect in another district. Specifically, it must be shown that racially discriminatory acts of the state or local school districts, or of a single school district have been a substantial cause of inter-district segregation. (94 S.Ct. 3127, 1974)

Policies of the private and public housing markets, State laws and local government actions in discriminatory practices were found by the Court to fall within the above criteria from Milliken. In the private housing market, the Court found that

The growth of identifiably black schools mirrored population shifts in New Castle County. To a significant extent these demographic changes, i.e., the net outmigration of white population and increase of city black population in the last two decades, resulted not exclusively from individual residential choice and economics, but also from assistance, encouragement, and authorization by governmental policies ... Prior to passage of federal and state open housing legislation in 1968, ... racial discrimination in the sale or rental of private housing in New Castle County was widespread, was tolerated or encouraged by the real estate industry ... Racially restrictive covenants ... continued to be recorded in New Castle County real estate deeds until 1973. (393 F.Supp. 434-5, 1975)

The location of public housing also contributed to the concentration of blacks in Wilmington, as the Court reported,

Until 1972, the Wilmington Housing Authority had jurisdiction to establish publicly-assisted housing units up to five miles beyond the city limits. Nevertheless, while the Wilmington Housing Authority operates over 2,000 public housing units within the City of Wilmington, fewer than 40 units were established in the suburbs. The New Castle Housing Authority, which was created in January, 1972, failed until the time of the trial, to build any housing units in the suburbs. (393 F.Supp. 435, 1975)

The importance of housing to schooling may be seen in testimony given by several real estate agents, describing the fact that sales in the housing market are closely tied to the character of a neighborhood's schools. The realtors commented that "The first thing you teach yourself is to know your school district because you sell houses in New Castle County based on school districts ..." (393 F.Supp. 437, 1975)

The Court placed the responsibility of such discrimination on local authorities, commenting that

... governmental authorities have elected to place their "power, property, and prestige" behind the white exodus from Wilmington and the widespread housing discrimination patterns in New Castle County.... Governmental authorities condoned and encouraged discrimination in the private housing market and provided public housing almost exclusively within the confines of Wilmington. The specific effect of these policies was to restrict the availability of private and public housing to blacks in suburban New Castle County at a time when housing became increasingly available to them in Wilmington. (379 F.Supp. 438, 1975)

In 1968, the Delaware General Assembly passed the Delaware Educational Advancement Act which, among other powers and policies, gave the State Board of Education the extraordinary power to consolidate local school districts until July 1, 1969 without a local referendum. The Act, however, uniquely excluded the Wilmington school district from consolidating with any other district.

The Court found that the Act sought to artificially insulate suburban New Castle County from Wilmington.

In New Castle County before Brown, the black high school and, to a significant extent, the black elementary schools in Wilmington served black children from the entire County, ... (revealing that) de jure segregation in New Castle County was a cooperative venture involving both city and suburbs ... At that time, in other words, Wilmington and suburban districts were not meaningfully "separate and autonomous."

Since the 1950's, however, Wilmington and suburban schools have, to a great extent, operated independently of one another.... Nevertheless, because since Brown governmental authorities have contributed to the racial isolation of city from suburbs, the racial characteristics of city and suburban schools are still interrelated (emphasis added). (379 F.Supp. 437, 1975)

Speaking directly to the intent of the 1968 Act, the Court remarked that

... where a statute, either explicitly or effectively, makes the goals of a racial minority more difficult to achieve than other related governmental interests, the statute embodies a suspect racial classification and requires a particularly strong justification. (393 F.Supp. 441, 1975)

The District Court ordered that a Wilmington-only and a Wilmington and county-wide school desegregation plans be drawn and submitted to the Court. The Court ruled that the 1968 Act, although expired, was unconstitutional. The Supreme Court affirmed this judgement. (46 L.Ed. 2d. 293, 1975)

Questions of long term impacts of busing were raised in 1968 when the Pasadena school system was involved in a class action suit brought against the district's allegedly unconstitutional segregation of its public schools, Pasadena City Board of Education v. Spangler (96 S.Ct. 2697, 1976) In 1970, the District Court ordered that there would be no school within the Pasadena system with a majority of minority students.

In 1974, the school board brought suit requesting modification of the 1970 order to delete the "no majority" requirement.

The question before the Supreme Court was "whether the District Court was correct in denying relief when petitioners in 1974 sought to modify the 'no majority' requirement." (96 S.Ct. 2703, 1976)

The Supreme Court decision is one which appears to be at odds with other opinions, such as Evans v. Buchanan (393 F.Supp. 428, 1975). In Pasadena, the Court struggled with the school system's annual burdens of busing, changing attendance zones and other policies necessary to meet the requirements of the "no majority" decree. The Court reversed the District Court on the grounds that the Pasadena Board of Education had made an initial remedy for desegregation of its system. The Supreme Court commented that

The District Court's interpretation of the order appears to contemplate the "substantive constitutional right to a particular degree of racial balance or mixing" which the Court in Swann expressly disapproved.... It became apparent ... that the District Court viewed this portion of its order not merely as a "starting point in the process of shaping a remedy," which Swann indicated would be appropriate, ... but instead as an "inflexible requirement", to be applied anew each year.

The District Court apparently believed it had authority to impose this requirement even though subsequent changes to the racial mix in the Pasadena schools might be caused by factors for which the defendants could not be considered responsible. Whatever may have been the basis for such a belief in 1970, in Swann the Court cautioned that "it must be recognized that there are limits" beyond which a court may not go in seeking to dismantle a dual school system.... These limits are in part tied to the necessity of establishing that school authorities have in some manner caused unconstitutional segregation, for "absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis." While the District Court found such a violation in 1970 ... its adoption of the Pasadena Plan in 1970 established a racially neutral (emphasis added) system of student assignments ... Having done that, we think that in enforcing its order so as to require annual readjustment of attendance zones ... the District Court exceed-

ed its authority. (96 S.Ct. 2703-4, 1976)

The Supreme Court summed up its opinion by stating,

For having once implemented a racially neutral attendance pattern in order to remedy the perceived constitutional violations on the part of the defendants, the District Court had fully performed its function of providing the appropriate remedy for previous racially discriminatory attendance patterns. (96 S.Ct. 2705, 1976)

In a dissent filed, Justice Marshall cited the continuous opposition by a number of school board members to "both the spirit and letter" of the Pasadena Plan which did not permit an adequate assessment of its "educational success or failure."

Justice Marshall described what he considered a fundamental fallacy in the Court's decision by remarking that,

... According to (this) Court, it follows from our decision in Swann, that as soon as the school attendance zone scheme had been successful, even for a very short period, in fulfilling its objectives, the District Court should have relaxed its supervision ... It is irrelevant to the Court that the system may not have achieved "unitary status in all other respects such as the hiring and promoting of teachers and administrators." (96 S.Ct. 2707, 1976)

A case that has the potential to modify the relationship between public and private schools is Runyon v. McCrary (96 S.Ct. 2586, 1976). The suit was filed because a private school refused to admit black children solely because of race.

The Supreme Court held that the private club exemption of the Civil Rights Act of 1964 does not include private, commercially operated nonsectarian schools to deny admission to black children. The Court found that

... The educational services of Bobbe's Private School and the Fairfax-Brewster School were advertised and offered to members of the general public. But neither school offered services on an equal basis to white and nonwhite students. (96 S.Ct. 2595, 1976)

The Court then drew the distinction between public and private actions when it commented that

... These schools are private only in the sense that they are managed by private persons and that they are not direct recipients of public funds. Their actual and potential constituency, however, is more public than private. They appeal to the parents of all children in the area who can meet their academic and other admission requirements. (96 S.Ct. 2595, 1976)

In its opinion which upheld the rights of the black children to attend the private schools, the Court reflected the spirit of a comment it made in an earlier case, Norwood v. Harrison (93 S.Ct. 2804, 1973).

(While) invidious private discrimination may be characterized as a form of exercising freedom of association protected by the First Amendment ... it has never been accorded affirmative constitutional protections. (93 S.Ct. 2813, 1973)

Summary. As the courts began to view previously-held "private" policies as de jure segregative actions, pressure became more intense for them to revise their interpretations. The Supreme Court established in 1974 its still-evolving principle of "intent to segregate". Under this opinion, actions that lead to segregated conditions must be shown to be purposely instituted to exclude a particular group of people. This approach appears to be detrimental to the cause of educational and residential desegregation because of the involved circumstances leading to adoption of local actions. As the Supreme Court itself remarked, the problem "presents a highly difficult and possibly insouble task." (479 P.2d. 681, 1971)

Related De Facto Issues to Educational Segregation

Judicial response to the causes of de facto educational segregation has been slow because of the far-reaching implications of structural changes in American society that would be necessary. Over the past three

decades, however, there have been various court decisions that have attempted to approach these issues of structural isolation. The cases chosen for this discussion are concerned with restrictive covenants, state actions to deny constitutional rights to blacks, the location of public housing and other issues.

The Supreme Court, in Shelley v. Kraemer (68 S.Ct. 836, 1948), struck down a Missouri Supreme Court decision which found that the constitutional rights of blacks who were barred from purchasing a house because of restrictive covenants were not violated. The Supreme Court based its ruling on the State's role in the discriminatory actions, as it commented that

... (The) petitioners were willing purchasers of properties upon which they desired to establish homes. The owners of the properties were willing sellers.... It is clear that but for the active intervention of the state courts, supported by the full panoply of state power, petitioners would have been free to occupy the properties in question without restraint.

The difference between judicial enforcement and non-enforcement of the restrictive covenants is the difference to petitioners between being denied rights of property available to other members of the community and being accorded full enjoyment of those rights on an equal footing. (68 S.Ct. 845, 1948)

A related case, Burton v. Wilmington Parking Authority (81 S.Ct. 856, 1961), further defined the state's role in discriminatory actions. The Wilmington Parking Authority, an agent of the State of Delaware, leased a restaurant to a private owner who refused to serve blacks. The State Supreme Court ruled that the State was not party to the discrimination and, therefore, it was a private action beyond judicial remedy. The State Supreme Court found that the restaurant was therefore subject of a State statute "which does not compel the operator of a restaurant to

give service to all persons seeking such." (81 S.Ct. 859-60, 1961)

The Supreme Court of the United States, however, reversed the decision and found that the State was party to the denial of rights guaranteed under the Fourteenth Amendment. The Court's reasoning was that

... The land and building were publicly owned. As an entity, the building was dedicated to public uses in performance of the Authority's essential government functions ... The commercially leased areas were not surplus state property, but constituted a physically and financially integral and, indeed, indispensable part of the State's plan to operate its project as a self-sustaining unit....

Additional of all these activities ... together with the obvious fact that the restaurant is operated as an integral part of a public building devoted to a public parking service, indicates that degree of state participation and involvement in discriminatory action which it was the design of the Fourteenth Amendment to condemn. (81 S.Ct. 861, 1961)

In summation, the Court reported that

... By its inaction, the Authority, and through it the State, has not only made itself a party to the refusal of service, but has elected to place its power, property and prestige behind the admitted discrimination. (81 S.Ct. 861, 1961)

Moving into private acts of discrimination, the Supreme Court, in Sullivan v. Little Hunting Park (396 U.S. 229, 1969), found that admission to a community park and playground facilities could not be refused to a black tenant who met the other qualifications of the corporation.

Homeowners in Little Hunting Park development were empowered by the corporation to assign their share of the recreational facilities to their tenants. When a black tenant tried to use the facilities he was refused admission on the grounds that the corporation claimed it was a private social club. The Court could find no record of Little Hunting

Park being a private social club and stated, "There was no plan or purpose of exclusiveness. It is open to every white person within the geographic area, there being no selective element other than race."
(396 U.S. 236, 1969)

Upon finding no support for its claimed private club status, the Court ordered the park open for membership to blacks who resided in the appropriate geographic area served by the facilities. The Court compared such barriers to restrictive covenants by commenting that

... What we have here is a device functionally comparable to a racially restrictive covenant, the judicial enforcement of which was struck down ... by reason of the Fourteenth Amendment.
(396 U.S. 236, 1969)

A similar case was heard in Tillman v. Wheaton-Haven Recreation Association (410 U.S. 431, 1972). The association operated a swimming pool and membership was limited to 325 families who lived within three-quarter mile radius of the pool. Membership may be extended to homeowners outside the limited area if there were available memberships and if a member recommended the family.

A black family moved within the three-quarter mile area and was denied the right to join the association. The association declared itself a private club and therefore exempt from the nondiscriminatory provisions of the Civil Rights Act of 1968.

The Supreme Court drew upon the Civil Rights Act of 1866 in finding that the association must admit an otherwise qualified black family to membership on the same basis as a white family. The Court commented that

When an organization links membership benefits to residency

in a narrow geographic area, that decision infuses those benefits into a bundle of rights for which an individual pays when buying or leasing within the area. The mandate of 42 U.S.C. Section 1982 (the Civil Rights Act of 1866) then operates to guarantee a nonwhite resident, who purchases, leases, or holds this property, the same rights as are enjoyed by a white resident. (410 U.S. 437, 1972)

One of the first modern cases to use the Civil Rights Act of 1866 was Jones v. Mayer Company (392 U.S. 409, 1967). The suit was brought against a real estate broker who refused to sell a home to a qualified black family. The case, in effect, was to determine the scope and constitutionality of the 1866 Act, which provides that

All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (392 U.S. 412, 1967)

The Supreme Court held that the 1866 Act "bars all racial discrimination, private as well as public, in the sale or rental of property." (392 U.S. 413, 1967) The Court then ordered that the sale of the home be consummated if the black family was otherwise qualified as any other buyer to purchase the home.

In this judgement, the Court spoke to the fundamental issue of states' rights and federal intervention.

... If Congress has power under the Thirteenth Amendment to eradicate conditions that prevent Negroes from buying and renting property because of their race or color, then no federal statute calculated to achieve that objective can be thought to exceed the constitutional power of Congress simply because it reaches beyond (emphasis added) state action to regulate the conduct of private individuals. (392 U.S. 438-9, 1967)

The issue of the scope of a state's legislative rights and federal protection of constitutional rights was debated in Reitman v. Mulkey (87 S.Ct. 1627, 1967). An article in the California Constitution was

adopted by the legislature which gave homeowners the right to refuse to sell their property to a buyer and assured the owner there would be no intervention by a state or local agency. In part, the article stated

Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses. (87 S.Ct. 1628-9, 1967)

The California Supreme Court labeled the intent of this section to "authorize private racial discrimination in the housing market ... and to create a constitutional right to discriminate on racial grounds in the sale and leasing of real property." (87 S.Ct. 1631, 1967)

The United States Supreme Court upheld the state court on the grounds that "the section would encourage and significantly involve the State in private racial discrimination contrary to the Fourteenth Amendment." (87 S.Ct. 1632, 1967)

The danger of the article if it was upheld, according to the Court was that

... The right to discriminate, including the right to discriminate on racial grounds, (would be) embodied in the State's basic charter, immune from legislative, executive, or judicial regulation at any level of the state government ... (87 S.Ct. 1632, 1967)

In the issues of housing and zoning, states' rights are also of primary consideration, although the states in many cases are pitted against the scope of local jurisdictions' rights. Such cases sometimes find a state an unwilling third party, caught between enforcing federal regulations and mollifying local resistance to such regulations.

One of the more important zoning cases to be heard in recent years

was Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel (336 A2d. 713, 1975), which was heard before the New Jersey Supreme Court. The question brought before the Court was

... whether a developing municipality like Mount Laurel may validly, by a system of land use regulations, make it pyhsically and economically impossible to provide low and moderate income housing in the municipality. (American Planning Law, volume 3, chapter 66, p.4.)

The recurring and persistent problem of public expenditures and tax rates was found to be the basis of Mount Laurel's zoning section which denied opportunity of residency to lower and moderate income families. The Court found that

... over the years Mount Laurel "has acted affirmatively to control development and to attract a selective (emphasis added) type of growth." (This has caused) the city "through its zoning ordinances (to exhibit) economic discrimination in that the poor have been deprived of adequate housing ... and (the city) has used federal, state, county and local finances and resources solely for the betterment of middle and upper income persons."

There cannot be the slightest doubt that the reason for this course of conduct has been to keep down local taxes on property ... and that the policy was carried out without regard for non-fiscal considerations with respect to people. (336 A2d. 723, 1975)

A fundamental aspect of the argument to the Court was a definition of the general welfare and whether external welfares were the concern of Mount Laurel.

... The universal and constant need for (low and moderate income housing) is so important and of such broad public interest that the general welfare which developing municipalities like Mount Laurel must consider extends beyond their boundaries and cannot be parochially confined to the claimed good of the particular municipality.... When regulation does have a substantial external impact, the welfare of the State's citizens beyond the borders of the particular municipality cannot be disregarded and must be recognized and served (emphasis added). (American Planning Law, volume 3, chapter 66, pp. 10-11)

The Court ordered Mount Laurel to provide, through amendment to certain sections of its zoning ordinance, the opportunity for housing for lower and moderate income residents.

As a developing municipality, Mount Laurel must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there... (Furthermore,) when a municipality zones for industry and commerce for local tax benefit purposes, it without question must zone to permit adequate housing within the means of the employees involved in such uses. (336 A2d. 731-2, 1975)

In defining the proportion of lower and moderate income housing to be provided for in Mount Laurel, the Court believed that

... a developing municipality's obligations to afford the opportunity for decent and adequate low and moderate income housing extends at least to ... the municipality's fair share of the present and prospective requirement need therefore. (336 A2d. 732, 1975)

The definition of fair share would come from Mount Laurel, county and State planning officials.

Several recent cases have been brought against the Department of Housing and Urban Development (HUD) for its participation in the racial concentration of federally-assisted housing.

One of the first cases was Shannon v. U.S. Department of Housing and Urban Development (436 F.2d. 809, 1970). This case tested HUD's site selection criteria for a moderate income housing project. HUD had held public hearings on the redevelopment projects to take place within the urban renewal area but had revised the plan to include a rent supplement apartment project. Residents and merchants in the area brought suit on the grounds that the 221(d)3 project would increase the already high concentration of blacks in the renewal area. The Court found that

The essential procedural complaint presented on appeal is that in reviewing and approving this type of project for the site chosen, HUD had no procedures for consideration of and in fact did not consider its effect on racial concentration in that neighborhood or in the City of Philadelphia as a whole. (436 F.2d. 812, 1970)

The Court further reported that the HUD manual found public housing in areas of racial concentration unacceptable. The regulations guiding the 221(d)3 assisted housing made no mention of such concentrations, yet the concentration of assisted housing could lead to the same racially segregated patterns that public housing had. Based on this line of reasoning, the Court found that federal housing assistance legislation cannot be neutral toward charges of government sanctioned segregation.

... Possibly before (the) 1964 (Civil Rights Act) the administrators of the federal housing programs could, by concentrating on land use controls, building code enforcement, and physical conditions of buildings, remain blind to the very real effect that racial concentration has had in the development of urban blight. Today such color blindness is impermissible. Increase or maintenance of racial concentration is prima facie likely to lead to urban blight and is thus prima facie at variance with the national housing policy. (436 F.2d. 820-1, 1970)

The Court of Appeals suggested a list of eleven questions to HUD that should be taken into consideration of site selection and whether or not the site selected was consistent with the 1964 and 1968 Civil Rights Acts. The case was ordered back to the District Court for further HUD study to determine if the project should be sold to a private developer, be maintained as 100 percent rent supplement or handled by some other remedy.

Perhaps the most important public housing case to be heard recently was Hills v. Gautreaux (96 S.Ct. 1538, 1976), which was originally filed in 1966. Black tenants in public housing operated by the Chicago Housing

Authority (CHA) sued the CHA for selecting public housing sites exclusively within the central city. This policy, the suit contended, lead to the concentration of blacks in the city and a reduction of their opportunities to live in suburban desegregated neighborhoods. HUD was later added as a party to the racial segregation suit.

In federal District Court (363 F.Supp. 690, 1973) both the CHA and HUD were ordered to take corrective actions within the City of Chicago only. The case was then heard by the Court of Appeals (503 F.2d. 930, 1974) which reversed the District Court decision and remanded that further investigation and study of a metropolitan region plan for public housing location be considered. The question considered by the Supreme Court was whether "the remedial order of the federal trial court may extend beyond Chicago's territorial boundaries." (96 S.Ct. 1544, 1976)

Arguments in the case were based on the Milliken decision in large measure. The Supreme Court found that

Nothing in the Milliken suggests a per se rule that federal courts lack authority to order parties found to have violated the Constitution to undertake remedial efforts beyond the municipal boundaries of the city where the violation occurred.... In this case, it is entirely appropriate and consistent with Milliken to order CHA and HUD to attempt to create housing alternatives for the respondents in the Chicago suburbs. Here the wrong committed by HUD confined the respondents to segregated public housing. The relevant geographic area for purposes of the respondents' housing options is the Chicago housing market, not the Chicago city limits.

...

... In contrast to the desegregation order (in Milliken), a metropolitan relief order directed to HUD would not consolidate or in any way restructure local governmental units ... The order would have the same effect on the suburban governments as a discretionary decision by HUD to use its statutory powers to provide the respondents with alternatives to the racially segregated Chicago public housing system created by CHA and HUD. (96 S.Ct. 1547, 1550, 1976)

The issue is far from over, however, as the Supreme Court added, Our determination that the District Court has the authority to direct HUD to engage in remedial efforts in the metropolitan area outside the city limits of Chicago should not be interpreted as requiring (emphasis added) a metropolitan area order. The nature and scope of the remedial decree to be ordered on remand is a matter for the District Court. (96 S.Ct. 1550, 1976)

A companion case is before the Supreme Court currently which will review the housing plans submitted by the CHA and HUD for the dispersion of the authority's public housing.

A recent case, City of Hartford v. Hills (408 F.Supp. 889, 1975), is bound to influence future local governmental fiscal requests for federal funds. The City of Hartford, Connecticut filed suit against seven suburban towns, charging that they, and HUD, did not fulfill the requirements of the Housing and Community Development Act of 1974, the Civil Rights Act of 1964 and the 1968 Fair Housing Act.

Hartford charged, among things, that "HUD contravened Title VIII of the 1968 (Fair Housing) Act by failing to affirmatively administer the community development program in order to expand low and moderate income housing." (408 F.Supp. 898, 1975)

Title I of the Housing and Community Development Act consolidated ten physical facilities and public works categorical grant programs into one block grant program with the objective of the Act being "the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income." (408 F.Supp. 898, 1975)

Congress established seven specific goals to give this broad objective specific aims. One of the goals particularly relevant to this case

is "concerned with reducing the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income." (408 F.Supp. 898, 1975)

This goal was to be partially achieved through the Housing Assistance Plan (HAP) portion of the Act. The HAP is a survey of a community's housing stock and an assessment of its housing needs, a goal for the provision of assisted housing and a description of the location of existing and proposed lower income housing.

HUD disregarded the HAP statute and approved the grants to the suburban towns without requiring them to estimate the housing needs of low income persons expected to reside within each town's boundaries.

The Court commented that "the 'expected to reside' figure is the keystone to the spatial deconcentration objective of the 1974 Act." (408 F.Supp. 901, 1975) In fact, the Court found that one of the fundamental points of the Housing and Community Development Act of 1974 was that it

for the first time ties the provision of community development funds to the provision of lower-income housing by requiring each locality to submit a housing assistance plan as part of its community development block grant application. To receive community development funding, a locality must address its need for lower-income housing. (408 F.Supp. 901-2, 1975)

The Court ordered a permanent injunction to stop the seven towns from drawing on the community development monies and to resubmit, if they choose, full application requests for community development funds. The Court then commented that

The success of this new "carrot and stick" approach to the dispersal of low and moderate income groups depends upon the willingness of the suburban towns to provide federally-assisted housing within their boundaries. Of course, counties can choose not to participate in the program. (408 F.Supp. 902, 1975)

Blame was placed on HUD and the Court found that "HUD has a duty to do more than accept any 'expected to reside' figure proposed ... however inadequate its size or derivation." (408 F.Supp. 907, 1975)

The case is on appeal to the Supreme Court.

Important as suburban housing is in the effort toward desegregation, families must possess the means to purchase or lease such housing. Without adequate income, residential opportunities for blacks are limited to economically affordable units in the central city or suburban black enclaves of generally substandard housing.

Although there are many cases which have expanded black employment opportunities, only one is presented. It does, however, incorporate many of the principles evident in such discrimination cases.

Griggs v. Duke Power Company (91 S.Ct. 849, 1971) was a case which questioned the company's requirements for particular jobs which blacks had never held. The company required a high school education or passing a standardized general intelligence test as a condition of employment or transfer to jobs where allegedly neither standard was significant to the successful performance of the job.

Black workers who filed the suit charged that the requirements disqualified blacks at a substantially higher rate than whites and effectively kept any black workers from particular jobs. The Supreme Court ruled in favor of the black workers, stating that

The objective of Congress in the enactment of Title VII is plain from the language of the statute. It was to achieve equality of employment opportunities and remove barriers that have operated in the past to favor an identifiable group of white employees over other employees. Under the Act, practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to "freeze" the status quo of prior discriminatory employment practices. (91 S.Ct. 853, 1971)

Summary

In 1954, the Supreme Court ruled that "in the field of education the doctrine of 'separate but equal' has no place." Implementation of this edict, however, has been most difficult. The Court, in 1963, acknowledged that segregation in education resulted from segregated housing patterns and began to establish the judicial distinction between de facto and de jure segregation.

An important definitive statement on de jure and de facto segregation by the Supreme Court came in 1970 in a case involving the school district of Denver, Colorado. The Court reaffirmed that schools must offer an equal educational opportunity for blacks and minorities but that school districts have no obligation to desegregate schools which are segregated because of racially-segregated housing.

Implementation of court-ordered desegregation has been hampered by the courts' interpretation of the extent public policies contribute to segregation and a lack of cooperation on the local level toward various busing plans ordered by various courts. Busing was affirmed as a method to achieve school desegregation by the Supreme Court in 1971 in Charlotte, North Carolina. The Charlotte case was an intradistrict remedy, but interdistrict cases have been heard involving school districts in Detroit, Indianapolis and Wilmington, Delaware and their surrounding

suburban districts. A metropolitan school districting plan in Detroit was struck down by the Supreme Court and the other two cases have not been decided.

Intent to segregate has become a significant element in the judicial process. The courts have decreed that before interdistrict remedies can be upheld, a constitutional violation within one district that produces a significant segregative effect in another district must exist. While the effects of certain policies may be to exclude blacks in far greater proportion than whites, without proving the intent of singularly segregating blacks, federal courts have not ordered interdistrict remedy. More success has been achieved in land use controls in state courts. The Mount Laurel, New Jersey decision is the most positive one to date, but additional interpretation is needed to clarify the issue of segregation in established cities and suburban areas.

Private segregative actions have been redefined by various courts over the last three decades. Racially restrictive covenants in housing sales were some of the first "private" actions to be modified by the courts. Access by "qualified" blacks to public restaurants, public facilities and private community facilities has been upheld. Many of these decisions have relied on the Civil Rights Act of 1866, which the Supreme Court held "bars all racial discrimination, private as well as public, in the sale or rental of property."

Public actions maintaining or promoting segregation have also been redefined by the courts. Many of the far-reaching decisions have involved the Department of Housing and Urban Development and the site selection criteria for its low and moderate income housing programs. The

Civil Rights Act of 1964 modified HUD's policies toward racial concentration of its housing programs. Cases challenging the location of such projects have been successful in Philadelphia, Chicago and Atlanta. Further expansion of judicially defining federal intervention and its role in maintaining segregation was successful in Hartford for non-compliance with community development funding regulations of HUD by seven suburban jurisdictions

Recent decisions of federal and state courts are both encouraging and discouraging for desegregation. The negative aspects of recent judicial interpretations deal with the distinction between intent and effect and the rigorous documentation necessary to prove intent to segregate blacks by public or private actions.

Positively, the courts are beginning to widen their interpretations of private actions affecting segregation. Increased governmental funding supporting private development has assisted the courts in determining the involvement of public monies and policies with the segregative actions brought before the courts.

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Local Government

Local government is a mixture of public, semi-public and private interests vying for limited resources and trying to maximize their effectiveness under constraints particular to each. This section discusses how local government has evolved to its present form and the strengths and weaknesses of suburban government. Fiscal disparities and issues are discussed and an analysis of how suburban government often uses the fiscal issue to effectively reduce residential and economic opportunities for black is undertaken.

The decisions local governments have made in trying to maximize their fiscal and social resources have created a situation where most blacks must rely on the central city for residential and economic opportunities. Land use controls, inadequate public facilities and service programs and other community controlled assets have been used to exclude blacks.

Even though the suburban jurisdictions have effectively excluded blacks, many jurisdictions face severe problems.

(W)hile the central cities have been visibly undergoing a process of declining, the suburbs too have been suffering ... from a process of growth that has been too rapid and too poorly controlled.¹

Background of Local Government

Local government in the United States has moved from state domination to municipal control to a municipal, county and state admixture with various encouragements from the federal carrot basket. Special districts, and other similar jurisdictions, were an offspring of the reform movement of the 1870's in response to corrupt city government. The reform

activity has given at least three unique characteristics to American government. The first is that urban reformers were forced to join with rural lawmakers in formulating legislation for city government. The result was that many cities are encumbered under complex state regulations designed to impede the city's powers.

Secondly, reformers tried to insulate certain functions and activities from the political sphere. Perhaps the widest ranging function to come from this was the creation of the independent school district. Special districts were also created to shield other functions from the "evils" of politics. When special district government was not desired, or could not be implemented, an independent board was adopted. By such actions, the structure of government below the state level became more complex, fragmented and overlapping.

The third characteristic is the modeling of governmental activities along lines similar to private business. The efficiency of the private sector impressed the reformers, especially when they compared it to the corrupt, ineffective mannerisms of local government.

As a result (of these factors), local governments have become relatively quiescent political organisms tending to adapt to policies rather than to exercise initiative (emphasis added). Most of the efforts of mayors and county executives appear to be directed towards securing additional funds from the states or Congress ... (T)he initiation of political action ... usually occurs at the State or Federal level.²

Thus, in recent years, one of local government's primary roles has been that of public works provider, of maintaining or attempting to maintain adequate services through judicious manipulation of federal and state policies and funding. Within these circumstances, local govern-

mental units produce, at varying levels of quality, a wide assortment of goods and services for a diverse constituency.

Suburban Government

In the constantly evolving structure of local government, the suburb is fast replacing the city as the location for new residential, commercial and industrial developments. The process of suburbanization has been primarily a function of resource availability, social and individual values, institutional structure and availability of needed technologies. A change in any of these variables results in a change in the degree and pattern of suburbanization.³

The growth and expansion of the suburbs have spawned an entirely new lifestyle for Americans and a new form of urban development around our cities. Although suburban communities offer many of the same service functions as the central city, control of these services is often fragmented among several political jurisdictions. One of the forms of government adopted to service suburban areas has been the special district.

Special Districts

Special districts have met the demands of a great many people, especially in the provision of services that county government cannot undertake because of unworkable restrictions.

... Suitable to the needs of a rural rather than an urban society constitutional provisions (in the 19th century) have so fossilized county government structures and perpetuated archaic county offices that the county is ill-adapted to serve as a vehicle for metropolitan solutions.

... The very obsolescence of the county organization precludes the claim that districts usurp their functions, since most districts are established to perform municipal, or proprietary services that are not traditionally within the province of the county.⁴

The special district is flexible and adaptable in meeting local needs and its increase in popularity may be attributed to many factors. These factors include the fact that special district legislation can usually be adopted easier than other approaches such as consolidation or annexation; the creation of such districts usually do not threaten existing governmental units nor their power structure; citizens who have received inadequate services in the past can join together in forming a district with a broad base free of local government entanglements; state imposed debt and tax limitations on local government can frequently be evaded; and residents are able to perceive a service in return for their service charges.⁵

Special districts are usually established for single or multiple services and less often for administrative purposes. Services include the provision of fire protection, highways, health, hospitals, housing and urban renewal, natural resources, parks, recreation areas, sewerage, utilities, cemeteries and other. Administrative services include tax assessment and collection, and other functions. In 1972, 97 percent of all special districts in SMSA's were single function, which leads to the observation that a particular land area could belong to several such districts as well as being a part of an established local public government. This could lead to competition for the individual's tax dollar, and if the special district does not have an adequate financial base, it might serve only to compound the problems of the residents.

Another characteristic of the special district is that its boundaries are not determined by existing local governments, but rather by the needs of the residents it serves. In 1972, 75 percent of the special

districts within SMSA's were noncoterminous with other local governmental units.

Almost 30 percent of the over 78,200 local governments in 1972 were special districts. As a provider of public works, special districts are quite successful and cost effective in that they provide relatively uniform and equal benefits to all residents in the district.

There are several shortcomings to the concept of special districts, however. In a study of the performance of urban governmental functions, the Advisory Commission on Intergovernmental Relations (ACIR) observed that "Many communities have met the problem of service expansion beyond original political boundaries by creating special districts. These districts often at best are only a patch of the old framework."⁶

Another argument against special districts is their piecemeal approach to the problems of government. Special districts are basically another layer of government which often only adds to the confusion and tax burden of the residents. Further, special districts are not directly responsible to the voters of their jurisdiction and usually are beyond the legal reach of any one level of government.⁷

The special district mechanism has basically been utilized to provide service functions to homogeneous groups of people. It has the flexibility and capacity to serve far greater ends. Because of geographic flexibility, special districts can be used as instruments of horizontal integration of services and functions across conventionally defined jurisdictions. This would serve as a means of resource redistribution, increased residential and economic opportunities for blacks and still maintain existing political boundaries.

The importance of special districts as mechanisms for the redistribution of population, economic opportunity and educational resources will be presented in Chapter VI. The recommendations and policies of Chapter VI rely heavily on the use of special districts and regional cooperation for implementation.

Suburban Fiscal Zoning

Intergovernmental competition for taxable items has become pronounced in recent years because of the heavy reliance on the property tax by most local jurisdictions. This situation has led to wide disparities among suburban jurisdictions. Additionally, all strive to minimize their tax burdens such as school age children, the poor and the elderly. These policies of exclusion have led to homogeneous neighborhoods and racial isolation.⁸

A fundamental impediment to the redistribution of resources between city and suburban dweller and increased residential and employment opportunities for blacks is the method of financing services.

... As long as public services, schools, and poverty services are primarily financed at the local level, it will continue to be in the best interest of affluent suburbs to devise means of closing their borders to minorities and low-income families. But the rational policy for individual suburbs has disasterous consequences for metropolitan areas as a whole (emphasis added).

...

In structuring incentives to make suburban residence accessible to blacks, virtually anything which reduces or eliminates the role of property taxation as a device for income transfer would be a step in the right direction.⁹

Suburban residents, through their local governments, have erected racial, economic and social barriers against those perceived to endanger suburban stability. Suburban opposition to desegregation of housing and

schools is based on resistance to rising property taxes, increased federal controls, fear of falling property values, fear of rising crime rates, vandalism, a decline in the quality of local schools, racism and the desire to maintain social distance from residents of other economic levels or cultural backgrounds.

Race, however, is not the most pressing issue in financing suburban services. The dispersion and fragmentation of governments and their residents have led to many difficulties in financing urban services in suburban areas. These difficulties include the transformation of relatively rural areas to urban ones without the governmental or financial means to provide needed services; the rapid and extreme change of suburbanization and the accelerated tax rate to try and provide services; the low density nature of suburban development is costly in terms of more miles of roads, sewers, water pipes and other services; and suburban areas vary considerably as to their preparation for, and current fiscal ability to manage, explosive growth.¹⁰

An even greater and more far-reaching concern was voiced in the hearings conducted when federal revenue sharing was first proposed.

The evidence indicates clearly that differentials in property tax base per capita ... within metropolitan areas are very large ones.... Such wide variations in taxable capacity have two kinds of effects, from the standpoint of urban development. First, they permit individual communities within an urban area to offer public services which differ greatly in scope and quality ... (I)t is not ... easy to be complacent about wide variations in the quality of those public services which are basic to the future well-being of metropolitan areas ... like education, nor about wide variations in the quality of services which have effects on neighboring communities, like disposal of wastes and control of air and water pollution.

Second, although rich communities generally spend more than poorer ones, in most cases they do not spend as much more as their superior

tax bases would permit. The result generally is that the rich communities have lower tax rates than do their poorer neighbors. This is often observed in aggravated form in connection with small communities with extensive concentrations of business property. The public service requirements of the business property are low, but it can yield very large amounts of tax revenue. The consequence is an extremely low tax rate.

This, in turn, has two effects. It encourages economic activity to locate in low-tax jurisdictions, which may or may not be the optimal locations for particular forms of economic activity. Equally important, it encourages communities to plan land use for fiscal advantage, rather than on the basis of broader considerations.¹¹

One of the most serious current fiscal problems facing both the cities and suburbs is the lack of an effective means of income redistribution.

It seems likely that, in reality, the fiscal systems of the large metropolitan areas produce almost no redistribution between the central city poor and the suburban rich ... given the fragmentation and the disparities (of local governments). If the poor are concentrated in already high-tax communities, redistributive services can be more amply supported only by taxing the poor more heavily, a self-defeating proposition; the resources of the rich are not available, since those resources belong to other jurisdictions, those with minor needs for redistributive services.... (N)on-redistributive services with heavy spill-overs are likely to be undernourished simply because ... the benefits cannot be appropriated by the communities which individually tax themselves for the service. And although all would benefit from a broader base for financing such services, the well-off communities resist nonetheless since they cannot be sure that a breach in the existing pattern for financing services with major externalities will not become a much wider assault on their advantageous positions.¹²

Summary of Suburban Fiscal Zoning. As suburban counties, municipalities, special districts and school districts have come to realize, suburbanization has not been achieved at a cheap cost. What was once considered a panacea and escape from the central city's ills is evolving into a structure beginning to experience some of the very same symptoms.

Suburban problems are deep and complex because suburb and city are no longer separable ... (C)ities and their problems are no longer set apart from the suburbs by walls or even by political

boundaries. The realities of civil life - human, economic and technical - no longer correspond to the inherited dividing lines.¹³

To maintain a fragmented and non-cooperating system of local government ill serves both the city and suburb. As dispersion enlarges the residential and employment opportunities for a region's residents, it also makes them more dependent on more political units for needed services. This implies a need for greater cooperation among local governments to work toward solutions of common financial problems. Although cities and suburbs have different fiscal issues, they share common problems of increasing expenditures, hostile taxpayers and minimal regional fiscal planning.

Federal and State Financial Assistance to Local Government

Increasingly important elements in the provision of services at the local level are federal and state financial assistance. As demands of urban services have increased and environmental protection requirements increased, local government has turned to external sources more often for financial help. Little planning, however, appears to have been done by any level of government in allocating these resources.

The system of local finances ... is inextricably intertwined directly and indirectly with the behavior of other levels of government, state as well as federal.... Federal policy and, to a lesser extent, some state policies, are designed with no knowledge at all of the short-run, let alone the long-run local fiscal consequences.¹⁴

Aid to local governments from federal and state sources has dramatically increased as urban problems have intensified and as suburban growth has outstripped the provision of adequate services. In 1942, federal and state aid comprised 14 percent of the total

revenues of cities. By 1972, this figure had risen to 33 percent. In the City of Baltimore, 52 percent of the total expenditures came from federal and state aid in 1970, with other large cities showing similar percentages.¹⁵

Federal and state governments will play an increasingly large role in determining the configuration of local government services because of the increased financial aid from such sources.

Optimum scales of operation in the performance of urban services are not the concern of local governments alone. As State governments and Federal agencies become more involved in providing financial and technical assistance to urban areas, they too will become increasingly interested in the issue. (They) are concerned with achieving maximum results from resources they invest ... Consequently, they will be desirous of assuming that their programs do not encourage the growth, sustenance, and performance of urban services at jurisdictional levels or on scales which are ineffective and uneconomical.¹⁶

Summary

Development in the urban regions of the United States has been described as unplanned and chaotic "... but economically, politically, and socially, American urban development occurs in a systematic, highly predictable manner. It leads to precisely the results desired by those who dominate it."¹⁷

The control over implementation of policies has shifted from state to municipal, and now to suburban governments. Suburban counties and municipalities share the burden and responsibility of fulfilling their residents' demands for services and programs. Increasingly, non-elective providers of services, special districts, are utilized in suburban areas where municipal or county service provision is lacking.

Revenues and expenditures are a constant issue with all local governments. Central cities are faced with underutilized services while

the infrastructure of many suburban jurisdictions cannot keep pace with the service demands of a rapidly expanding population.

Local governments tend to implement policies beneficial to themselves, regardless of the regional consequences or needs. Whether by intent or effect, such policies have excluded most blacks from suburban residential, economic and educational opportunities. The segregation resulting from such local government actions also has reduced the opportunities for social linkages and interaction between whites and blacks to occur. Federal and state aid has done little to control suburban sprawl and reduce unequal residential and employment opportunities for blacks.

A basic change in governmental fiscal policies is necessary. Local government must broaden its available revenue sources to improve the economic redistribution among governmental units. Coordinated metropolitan-wide planning is necessary to produce a balanced program of long-range capital improvements and short-range operational benefits. In this situation, it is more likely that the residential, employment and educational opportunities of blacks will increase to include the entire urban region rather than the central city alone.

Reference Notes

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Open Housing

Local government and the courts provide the framework and boundaries within which the desegregation of education could occur. Equalization of residential and economic opportunities between blacks and whites, however, must first be achieved. Open housing is a fundamental component of any effective and lasting effort of increasing social interaction and residential and economic opportunities for blacks.

In this section, a number of elements of open housing are presented. The elements of housing as a status symbol and the extent of federal housing intervention serve as the framework in which open housing must be pursued. Aspects of open housing that reflect this situation include problems of open housing, housing costs, federal and state responses to open housing and the role of realtors, lending institutions and suburban residents in providing increased housing opportunities for blacks.

Housing as a Status Symbol

Housing patterns of today are formed from a combination of various public and private policies and actions that basically began with the industrial revolution and have accelerated during the last 60 years.

The reasons are complex why blacks are usually not welcomed as neighbors by whites. A 350 year history of racism, prejudice, fear and misunderstanding contributes to white attitudes toward blacks seeking residential equality. White attitudes and control of status and symbols however, easily could serve as a summation of the various influences that help to determine residential preferences.

... Residents can manipulate the symbols of home and neighborhood to augment their own status or that of the neighborhood; they can do

little, however, to prevent others, whom they might consider of lower status, from manipulating residential status symbols in the same way and thereby claiming status equality.... (As an example), white residents of Chicago's Garfield Ridge community tolerated the presence of a large black population while it was confined to the nearby LeClaire Courts public housing project; the stigma of residence in public housing is so pervasive that it would be clear to all that any black person in the area was a public housing tenant and thereby not of equal status with white residents of the neighborhood. White opposition became intense, however, as soon as blacks purchased homes in the neighborhood and thus claimed equal status with whites on the basis of the immutable symbolism of equal property ownership.¹

Federal Housing Intervention

Past housing programs have avoided the issue of complete equality for blacks by attempting to rehabilitate obsolete deteriorated dwellings or ghetto neighborhoods in economically depressed central city areas. This relieved the burden of responsibility from suburban jurisdictions and residents. A common strategy for most of the federal programs has been the false assumption that because

... the problems of race and poverty are found in the ghettos of urban America, the solutions to these problems must also be found there. These ghetto-oriented programs largely ignore the geographic distribution of resources throughout the metropolitan regions.²

The expansion of public power has afforded the opportunity of equality of housing but at the same time offers an instrument of abuse and discrimination to those who seek it. Charles Abrams pointed out that

As long as state and federal power was limited, the possibility of public abuses was also limited.... When, however, the public power was expanded, the minority stood to benefit but also took the risk that the very reforms aimed to help it - health laws, zoning, public improvements, park programs, slum clearance, urban redevelopment, licensing, mortgage insurance, and even civil rights legislation - might nevertheless be abused far beyond the intentions of their sponsors.³

Prior to 1950, the attitude of the Federal Housing Administration (FHA) toward hopeful black suburban homebuyers was one of overt discrimination and bias.

One reason for the widespread suburban bias against the blacks is that for 15 years, government housing programs and black exclusion had proceeded apace. From 1935 to 1950, the federal government insisted upon discriminatory practices as a prerequisite to government housing aid. The FHA's official manuals cautioned against "infiltration of inharmonious racial and national groups," a "lower class of inhabitants," or the "presence of incompatible racial elements" in the new neighborhoods.

... A neighborhood was to be considered less desirable if inhabited by a "lower level of society." ... Stables and pigpens were put by the FHA into the same category as a section occupied by the "wrong" race. Zoning was advocated as a device for exclusion, and the use of a racial covenant (prepared by the FHA itself) was urged.⁴

Since the FHA was involved in an average of over 29 percent of the almost 11 million new housing units constructed during this 15 year period (peaking at 45 percent of all new units between 1940 and 1944),⁵ the discriminatory practices employed by the federal government all but excluded blacks from the opportunities of suburban housing and established the pattern by which future generations of blacks would be discriminated against in suburban housing markets.

Federal, state and local governments are the primary providers of publicly-assisted housing, with the federal government supplying most of the funding for such housing. Although the federal housing programs affecting lower and moderate income families (public housing, Sections 8, 235, 236, 221 and 202) receive the most publicity, a much wider segment of the American homebuying public is affected. Loans secured through the Veteran's Administration (VA), the FHA and tax deductions on federal income tax are methods of federal housing assistance to middle and upper

income residents which do not carry the same stigmas or charges of governmental intervention and interference in the "private" matters of residential selection and location as does federal housing assistance for lower income residents.

In 1972, over 21.7 million low income households with incomes less than \$7,000 annually were eligible for federal subsidized housing. At the same time, over 1.5 million of these households were being served by various federal housing assistance programs.⁶ Table 11 summarizes the percentage of households served by income by the various HUD subsidy programs.

Table 11. Percentage of Households Served by HUD Subsidy Programs by Income and Minority Group, 1972⁷

<u>Gross Annual Household Income</u>	<u>Household Grouping</u>	
	<u>Total</u>	<u>Black</u>
Under \$1,000	1%	2%
\$1,000 - 1,999	7	19
\$2,000 - 2,999	7	20
\$3,000 - 3,999	6	18
\$4,000 - 4,999	6	17
\$5,000 - 5,999	5	14
\$6,000 - 6,999	4	11
\$7,000 - 7,999	3	7
\$8,000 - 9,999	1	4

The direct and indirect costs of federal intervention in the housing market totaled around \$15 billion, with only \$2.5 billion spent on direct federally operated housing subsidy programs in 1972. The costs of federal intervention for various programs and policies is summarized in Table 12.

During 1972, the FHA and VA financed over 167,000 new privately-

owned housing units, 12 percent of the total private housing starts of almost 1.34 million dwelling units. New publicly-owned housing unit starts totaled almost 15,700 units in 1974. Two-thirds of these units were inside SMSA's and over one-half of the new public housing units were constructed in the south.⁸

Table 12. Cost of Federal Intervention
in the Housing Market, 1972⁹

<u>Program or Policy</u>	<u>Cost (in billions)</u>
Homeowners' Deductions	\$6.2
Federal Subsidized Housing Programs	2.5
Federal Welfare Assistance Payments for Housing	2.6
Other Taxes Foregone*	4.0

Note: *Such as capital gains on home sales.

State Housing Programs

State influence in housing has been characterized by the lack of activities in housing and related developmental controls. Every state except Hawaii has delegated land use controls to local jurisdictions. Zoning and building codes have become two of the most widely used such controls.

Since most states provide little guidance to their local subdivisions in the area of land-use control, (the) general objectives (of zoning) tend to be interpreted in the light of local interests. In the typical suburb, the power to zone becomes a mandate to exclude land uses which threaten community character, property values, or the fiscal well-being of the locality.¹⁰

Problems of Open Housing

In the United States, the issue of open housing has caused many white champions of school desegregation to modify or even refute their

support of such an effort when it began to lead toward the more basic question of open housing.

In the United States, the majority group has sought to compartmentalize by gradually and grudgingly giving and imputing equality to minority peoples in the fields of education and employment. The granting of equality of opportunity in these fields, indeed, did not require the majority group to impute equality to the total or whole personalities of minority group members. Fair housing will make it impossible for this condition of compartmentalized equality and inequality to continue. Fair housing will require the majority group to view the minority people as whole and complete personalities.¹¹

The problems of open housing basically deal with three factors: acquisition of land, financing and marketing. These factors are affected by housing costs, the federal government, state and local government, real estate brokers, lending institutions, suburban residents and residential segregation.

Housing Costs. New housing in suburban areas economically excludes many lower income residents. In 1970, nearly 63 percent of the over 63.4 million occupied dwelling units in the United States were owner-occupied. The median sales price of new one-family homes, however, has risen from \$23,500 in 1970 to \$35,900 in 1974,¹² making it more difficult for families to own their own home. Based on current practice, a family would need an income of between \$15,000 and \$18,000 annually to be able to purchase a home selling for \$35,900. In 1974, less than 40 percent of all families in the United States had an income of \$15,000 or more. By race, 42 percent of the white families earned over \$15,000 annually while only 22 percent of black families earned as much. The median income for white families in 1974 was \$13,356 and \$8,265 for black families.¹³

Federal Response to Open Housing. The federal response to open housing demands is based on Title VIII of the Civil Rights Act of 1968, which prohibits discrimination in all multi-family housing except one-to-four family dwelling units in which the owner occupies a unit. The Act also prohibits discrimination in all single-family homes except where the house is sold or rented by the owner-occupant without the use of a real estate broker, provided the home is not advertised in a discriminatory manner.¹⁴

The role of the federal government as a funding agent in most local government activities has increased. In turn, this has increased the federal influence in local policies and regulations concerning open housing. Two representative examples are HUD programs and revenue sharing.

HUD has attempted to force compliance with its regulations by threatening to cut off, or cutting off, funding to localities that have not followed HUD's regulations or requirements. In 1971, HUD withheld funding to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to force additional work on a regional housing study because the plan lacked a short-term lower income housing action plan. The result of the enforcement by HUD of its own regulations was that the SEWRPC agreed to specify locations for 2,000 lower and moderate income housing units in the region.

On other occasions, HUD efforts to gain compliance with its regulations have not been as successful. HUD attempted to use the workable program and urban renewal to force Warren, Michigan to provide mixed income housing. Warren was participating in the urban renewal

program and to receive funding had to submit a workable program for community improvement acceptable to HUD. When faced with the issue, Warren residents voted to end the city's participation in the urban renewal program. The carrot of \$2 million per year for five years was not enough to force the then 180,000 white residents of Warren to accept housing that might bring more than the 130 blacks already in the community in 1970.

Another broadly based means of local compliance with federal regulations could be through revenue sharing. The nondiscriminatory provisions of the Revenue Sharing Act of 1972, however, are not as comprehensive as other federal regulations and allow circumvention of the nondiscriminatory provisions by receiving localities.

A local government receiving revenue sharing funds can use such funds to free its own funds for other uses which are not restricted by the Revenue Sharing Act. This flexibility has created a complex situation for enforcement of the Act's nondiscriminatory provisions because it is difficult to trace local spending of federal funds and the extent to which federal funding has freed local funds for projects not covered by the provisions of the Act.

Further, enforcement of the nondiscriminatory provisions of the Act consists of the Office of Revenue Sharing receiving complaints of alleged violations. The office does not use audit or review procedures to aggressively monitor implementation of the provisions of the Act by localities. The average processing time of closed cases through fiscal year 1975 was ten months, with cases still pending having been open an average of over twelve months.

John Macey, a noted English housing expert, was retained by HUD to study the entire effort of publicly assisted housing in the United States. In his report, Publicly Provided and Assisted Housing in the USA, Macey identified seven aspects of this country's housing policies which tended to minimize the efforts of housing assistance and subsequently, open housing opportunities. These aspects are the following:

- Too many authorities. More than one million housing units are managed by 2,500 local housing authorities, of whom less than 300 own more than 400 units.
- Too little involvement by local government. The detachment of local housing authorities from local government has led local government to feel that it has little or no responsibility for the housing problems of its own residents.
- Too much involvement by the federal government. There exists open-ended commitments by the federal government, as administrator and financier, while local authorities have no sources of revenue except rents. If local revenues could be generated, the federal effort could be utilized toward expanding housing production and not on excessive administrative monitoring.
- Too much concentration on low income families. It is neither good business nor good community policy to develop projects exclusively for low income residents. Instead, projects should have economic mix so the potential of tenants' ability to pay higher rents would rise.
- Too little housing management expertise.
- Too little tenant involvement. The lack of management skills often worsens the situation.
- Too narrow a view of housing. In the past, government intervention has been viewed as undesirable and should be confined to the smallest possible limits and lower income families. There has been a tendency to view new housing construction as the cure for housing problems. To balance new construction with rehabilitation and conservation of the existing housing stock, economic appraisals at each level of government must be maintained for the advantages and disadvantages of conservation and upgrading over demolition and replacement as they relate to neighborhoods and the environment.¹⁵

State Response to Open Housing. In recent years, area-wide councils and planning agencies have been established by many states in an attempt to deal with regional issues on the local level. Such councils and agencies, however, have tried to remove themselves from controversial issues such as open housing and desegregation because "maintenance of the fragile consensus that brought their constituent units together requires the avoidance of conflict whenever possible."¹⁶ Furthermore, many of the board members of such organizations have allegiances to local government which frequently supercede their regional commitments.

COG's (Council of Governments) were composed almost entirely of local elected officials, and local officials usually were well-represented in regional planning agencies. Given their constituencies, responsibilities, and frame of reference, local officials naturally tended to define their role on regional agencies in terms of protecting local interests and prerogatives (emphasis added).¹⁷

The Role of Realtors in Open Housing. Real estate brokers have received much of the blame and praise for the lack of success of open housing. Whites blame brokers for blockbusting, yet thank them when blacks are shown homes in other areas. Blacks charge that real estate agents steer them into segregated neighborhoods or transitional areas that rapidly will become all black.

The perception of real estate brokers is divergent because brokers' actions are a combination of their own personal attitudes and the norms and values of the clients they serve. Five components of a real estate broker's racial ideology include the broker's belief about:

- Blacks in relation to real estate.
- Blacks as people.

- Beliefs, feelings and wishes of whites about blacks.
- The consequences of certain lines of action in a broker's business operations with regard to blacks.
- The function that a broker's racial practices serve in his business, the immediate community and the city at large.¹⁸

The results of a survey of Chicago real estate brokers during the early 1950's and a follow-up survey in the mid-1960's revealed that most brokers' actions were based on the racial attitudes of the community. Many brokers replied that they would not be the first to sell a home to a black family in an all-white neighborhood but would wait until a trend had been established. The following are quotes typical of prevalent responses from the brokers surveyed.

- If I get a call from a colored party in regard to a piece of property adjacent to a colored area or an area going colored, but it is not salable to colored because the community does not wish to have colored, I do not sell.
- (This) firm has a policy where they will not sell to a Negro in an area where Negroes are not resident ... The general public, white, yes, is not willing to accept the Negro as a neighbor. That is the basis for our not selling to Negroes in this type of an area unless one Negro family is already in the block. You cannot be censured then. A silly idea but that's life.
- We still represent a lot of white owners of property. Ninety percent of our business is with white owners, and frankly, if I sold you that property, I would hurt the neighbors. I would depreciate their properties ... If you were in my place, would you cater to 90 percent or 10 percent? After all, yes, (a Negro's) money is as good as the white man's, after all, the colored group as a group (emphasis added) are not in the financial position that the white people are in ... Look at it from the practical business standpoint.¹⁹

The San Francisco Real Estate Board made much the same appeal in 1950 in response to charges of discrimination against minority homebuyers.

It is a matter of fact and experience that when a Negro or Chinese or Japanese or Philipino moves into a white district, the house values drop ... We do not look at this as a social problem. For us, this is an economic problem. Looking at it this way, the Board has asked that its members not introduce into a residential district any occupancy or race which will have the effect of lowering values.²⁰

Further study of property values in desegregated neighborhoods has revealed that there is no clear cut outcome of black homeowners moving into a neighborhood. The trend in two Chicago neighborhoods, one white and one in racial transition, was that

... prices of residences are depressed from 30 percent to 55 percent when an area is threatened by transition. As soon as transition becomes a fact, prices tend to rise ... After transition has been accomplished, prices in the then Negro area compare favorably with prices in the city as a whole and are controlled by supply and demand.²¹

There is no one reaction, however, to black residential movement.

The effect of Negro occupancy upon property values varies from one section of the city to another and from one time to another.... The arrival of a few Negroes may be the signal for a great decline in selling prices or it may lead to an appreciable increase. Much depends upon the state of the total housing market and the manner in which colored people enter an area ... (T)here is no one universal effect of Negro occupancy upon property values.²²

Lending Institution Policies Affecting Open Housing. Lending agencies policies are based "primarily on the idea of risks and the safety of the investment."²³ Based on this notion and often on incomplete or inaccurate information, lending institutions during the last three decades have all but excluded transitional central city residential areas from loan commitments. They have, instead, concentrated their efforts on the expanding and "safer" suburban housing markets. Further, many developers were unable to secure loans at market rates to construct suburban black subdivisions. Often the higher interest rate or points required would

take all of the developer's profits and effectively cancel the project.²⁴

Three reasons given by lending institutions for denying such loans to blacks are frequent shortcomings in the site, design and construction of minority projects; doubts about the demand for such housing by blacks; and an unfavorable evaluation of nonwhites as credit risks.²⁵ The same double standards exist when lending institutions deal with individual perspective black homebuyers. In the past, lending institutions have required more income, better employment records and larger down payments from blacks than whites to even consider blacks for home loans.²⁶

Suburban Residents' Attitudes Toward Blacks. The most important factor in open housing in the suburbs is the acceptance of blacks by the predominantly white residents already there.

Characteristics of many changing neighborhoods is a falling standard of institutional services and facilities. Most crucial of these, in middle-class neighborhoods, is the school. The families who are most liberal on the racial issues are also apt to place a high value on education of their children. Although they may have no reluctance to living in a mixed neighborhood ... if an influx of deprived children lowers the quality of the school, they will be pressed to leave.

...

What matters ultimately ... is how home buyers or renters evaluate the prospects of the neighborhood. Residents may hasten a transition process by fleeing or retard it by accepting minority neighbors ... But unless a neighborhood can attract a continuing inflow of white homeseekers, it must tend inevitably to become a minority district in the course of normal turnover.²⁷

In a survey of sixteen Philadelphia suburbs, attitudes of residents toward various objectives of local government were measured. A summary of these attitudes by social groups is shown in Table 13.

Table 13. Attitudes of Residents of 16 Philadelphia Suburbs
Toward the Importance of Various Objectives of Local
Government²⁸

Attitude	Social Rank Grouping of Municipalities (Percentage judging attitude very important)		
	Upper	Middle	Lower
Keep Undesirables out	62%	80%	75%
Maintain "quality" of residents	69	47	43
Maintain improved public services	45	41	36
Provide aesthetic amenities	50	38	32
Acquire business and industry	9	24	50
Keep tax rate down	57	80	82

The two attitudes that received the most importance from all of the residents surveyed were to keep tax rates down and to keep undesirables out. Based on previous discussion, it has been found that upper and middle income residents associate additional public costs, and hence a higher tax rate, with increased residential occupancy by lower income residents. Thus, these two attitudes tend to perpetuate residential segregation and its negative effects on the fuller socialization of blacks into the American culture.

Segregation minimizes personal contacts which would lead members of majority and minority groups to perceive each other as individuals.... Most whites acquire their attitudes toward minority groups not from actual contacts with members of these groups but from contact with prevailing attitudes toward them.

...

Under segregation, competition among individuals tends to be transformed into conflict between groups. Minority homeseekers appearing outside (their) segregated areas are generally regarded not as people looking for homes ... but as invaders, to be repelled if possible or escaped if need be.²⁹

Residential Desegregation. Many studies on black attitudes toward residential desegregation have been undertaken and have often found that

blacks were unwilling to move far from their existing communities. A major reason for this unwillingness is "the lack of community facilities which the minority person may freely use outside of the minority community, and the lack of associational opportunities."³⁰

The results of a 1966 Harris Poll, however, indicated that 68 percent of a random sample of blacks interviewed stated a preference for living in desegregated neighborhoods. At the same time, only 17 percent indicated a preference for living in all-black neighborhoods, with only 8 percent of the northern blacks questioned preferring the all-black neighborhood.³¹

A list of principles of housing desegregation was written by David McEntire based on the results of a federal study committee report for which he was responsible. The identified principles of housing desegregation are the following:

- Action aimed to reduce discrimination is more promising if focused directly on controlling discriminatory conduct, rather than attempting to change attitudes of prejudice.
- The most effective means of changing behavior and attitudes is through introducing a change in the situation in which decisions are made and attitudes formed.
- A social process can be changed by influencing the actions of those who make the critical decisions which the process calls for.
- Laws can be an effective counterforce against pressures for segregation, especially when effectively administered and supported by articulate citizen groups.
- The majority of people do not have firmly fixed opinions on racial equality and may depend heavily on and be influenced by their peer leader's actions.
- Association should be on an equal-status basis.
- Competition among racial groups for dominance of housing areas

tends to increase racial hostility.

- Racial desegregation will have a greater chance of success and encounter less resistance if it is not confused with proposals to eliminate economic group segregation. "Socio-economic segregation is in no way inconsistent with racial integration." Indeed, one of the benefits anticipated from reducing racial discrimination is an enhanced freedom of the minority groups to rise in the class structure of American society.³²

Summary

Federal policies of racial discrimination after World War II effectively barred blacks from joining the suburban migration of whites and established a policy that has been maintained by local government and private accord.

While the federal subsidized housing programs are well publicized, they only account for 16 percent of the cost of federal intervention in the housing market. Tax deductions allowed by the Internal Revenue Service account for over 66 percent of the federal contribution to housing.

Inflation and rising construction and land costs increased the median sales price of a new single family home to almost \$36,000 by 1974, economically excluding 58 percent of all white families and 78 percent of all black families from purchasing such a home.

Those black families economically able to afford a new home in the suburbs must face additional barriers of white-oriented real estate brokers and lending institutions. Although federal open housing regulations forbid racial discrimination by brokers, steering and other illegal maneuvers are still used to "protect" white suburban residential sections from blacks. Lending institutions have also been negative elements in expanding residential opportunities for blacks by requiring higher standards from black loan applicants than from white and by refusing to

issue loans in certain residential neighborhoods.

It is obvious from current practices that widespread voluntary open housing is not possible. A combination of enforcing existing regulations, offering developmental incentives and better equalization in the mechanisms for home selection and purchase is required to increase the residential opportunities for blacks. Such policies are presented in Chapter VI.

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CHAPTER IV

A CASE STUDY OF THE ATLANTA REGION

Comparative statistics and analysis on a national level are useful in framing the overall situation of public education. The magnitude of the figures and the broad extremes which end up as averages, however, do not readily relate to the local level. For this reason, the Atlanta region has been chosen as a case study to give more meaning and emphasis to the various indicators discussed in the preceeding chapters of this text.

Demographic Characteristics and Patterns, 1950 - 1974

The Atlanta region as defined in this study includes the six counties of Clayton, Cobb, DeKalb, Douglas, Fulton and Gwinnett and 46 municipalities. Ten public school systems serve the region, including the six county systems and the four independent systems of Atlanta, Buford, Decatur and Marietta.

Atlanta was destined to become a center of trade and transportation since its founding in 1837 as the terminus of a railroad line. Although distinctly southern in nature, the early leaders of the city realized that growth and development would come only if Atlanta opened its doors to the nation. As early as the 1920's, the Chamber of Commerce ran ads in national magazines hawking the virtues of Atlanta as a center for manufacturing and a gateway to the south.

Population

In 1974, the six county Atlanta region was estimated to have a population of over 1.62 million, more than double the region's 1950 population. The percentage of black residents in the region has declined slightly from 24 percent in 1950 to 22 percent in 1974. The percentage of blacks in Atlanta has risen from 37 percent in 1950 to 55 percent by 1974. Table 14 summarizes the populations in each of the six counties and the municipalities of Atlanta, Decatur and Marietta.

Table 14. Total Population of Selected Local Jurisdictions
in the Atlanta Region, 1950 - 1974¹

Jurisdiction	Years				Percentage Growth, 1950-1974
	1950	1960	1970	1974	
Counties					
Clayton	22,872	46,365	98,126	131,200	474%
Cobb	41,143	88,609	169,646	218,957	432
DeKalb	77,225	193,424	346,881	399,538	417
Douglas	12,173	16,741	28,659	45,600	275
Fulton	179,793	110,123	156,256	185,200	3
Gwinnett	32,320	43,541	72,349	115,400	257
Municipalities					
Atlanta	331,314	487,355	495,554	477,100	44
Decatur	21,635	22,026	21,906	19,862	8
Marietta	20,687	25,565	27,147	30,843	49
Total	739,162	1,033,749	1,416,524	1,623,700	120%

Note: County totals do not include population of municipalities listed.

The percentage change in racial composition of the jurisdictions from 1950 to 1974 is shown in Table 15.

Racial Migration

The mobility of the region's population, as reflected in the 1970 Census, was characteristic of fast growing urban regions. In 1970, 58 percent of the residents of the then five county SMSA population lived in

a different house than they lived in in 1965. Of the 736,542 residents who moved, 54 percent made intraregional moves while 32 percent moved into the Atlanta region from outside. A total of 164,078 people left the region between 1965 and 1970. An accurate net immigration total is not possible because of the almost 89,000 respondents of the Census survey who did not indicate their 1965 place of residency.

Table 15. Racial Composition in the Six County
Atlanta Region, 1950 - 1974²

<u>Jurisdiction</u>	<u>Percentage Black Residents in</u>			
	<u>1950</u>	<u>1960</u>	<u>1970</u>	<u>1974</u>
Counties				
Clayton	17%	10%	5%	4%
Cobb	9	5	2	2
DeKalb	11	6	5	10
Douglas	16	15	9	5
Fulton	15	12	8	12
Gwinnett	9	8	5	3
Municipalities				
Atlanta	37	38	51	55
Decatur	15	14	39	40
Marietta	14	15	14	16
Total	24%	23%	22%	23%

Note: County percentages do not include blacks residing in the municipalities listed.

A total of 47 percent of the immigrants to the Atlanta SMSA between 1965 and 1970 came from other southern states while 23 percent migrated from other parts of Georgia outside the SMSA. Immigrants from the north central states totaled 11 percent, the northeastern states 8 percent, the western states 6 percent and immigrants from abroad comprised 5 percent of the total newcomers to the region. Almost 40 percent of the immigrants moved into DeKalb County, while 35 percent moved into Fulton, 15 percent into Cobb, 7 percent into Clayton and 3 percent into

Gwinnett County.

Blacks accounted for less than 10 percent of the total SMSA immigrants with known origins and about 8 percent of the total out-migrants between 1965 and 1970. Of the total immigrants, 59 percent came from other SMSA's and 36 percent came from nonmetropolitan areas. A net increase of over 41,300 females and 32,600 males resulted in the region between 1965 and 1970. One-third of this increase was between the ages of 20 and 29.

Moves within the SMSA accounted for over one-half of the total moves. Over 72,200 residents left the City of Atlanta and moved to other portions of the SMSA between 1965 and 1970. During the same period, almost 24,900 residents moved into the city from other parts of the SMSA. This represents a net loss of over 47,000 residents to the city, or nearly 10 percent of its 1970 population. The exchange between central city and the rest of the SMSA accounted for 25 percent of the moves within the region between 1965 and 1970. Thirty-one percent were within the city and 44 percent within the balance of the SMSA.

A larger percentage of whites than blacks left the City of Atlanta for other areas of the SMSA between 1965 and 1970. A total of 8 percent of all black movers left the central city compared with 22 percent of all the white movers. The reverse was true for residents moving into the city, with 10 percent of the total black movers immigrating and 5 percent of the total white migrants.³

The de facto pattern of residential segregation characteristic of northern cities has become apparent in the Atlanta region during the last two decades. As is shown in Table 16, the percentage of blacks and whites

living in segregated residential areas has increased from 1950 to 1974. In 1950, 66 percent of the whites lived in census tracts with less than 10 percent black residents. By 1974, that figure had risen to 82 percent of the whites in the six county region.

Table 16. Percentage of Residents Living in Segregated Residential Areas by Census Tract, 1950 - 1974⁴

Jurisdiction	Percentage of Residents in					
	1950		1960		1974	
	Black*	White+	Black*	White+	Black*	White+
Counties						
Clayton	0%	20%	0%	75%	0%	91%
Cobb	0	68	0	83	0	98
DeKalb	0	73	25	86	33	81
Douglas	N/A	N/A	N/A	N/A	0	69
Fulton	42	69	55	76	65	65
Gwinnett	0	27	0	73	0	100
Municipalities						
Atlanta	50	79	60	78	70	61
Decatur	0	78	0	76	0	39
Marietta	N/A	N/A	0	67	0	56
Total	35%	66%	48%	78%	55%	82%

Note: *The Percentage Black refers to the percentage of all blacks in the jurisdiction that live in census tracts that are more than 90 percent black.

+The Percentage White refers to the percentage of all whites in the jurisdiction that live in census tracts that are more than 90 percent white.

N/A: Information not Available. Douglas County was not divided into census tracts until 1970. Census tracts including the City of Marietta in 1950 are not comparable with revised later census tract boundaries.

Figures 3, 4, 5, and 6 represent the racial distribution by census tract for 1950, 1960, 1970 and 1974, respectively, in the six county Atlanta region. Douglas County was not divided into census tracts until 1970, thus no distribution has been shown for 1950 and 1960. In 1950, 16 percent of the total population in Douglas County was black.

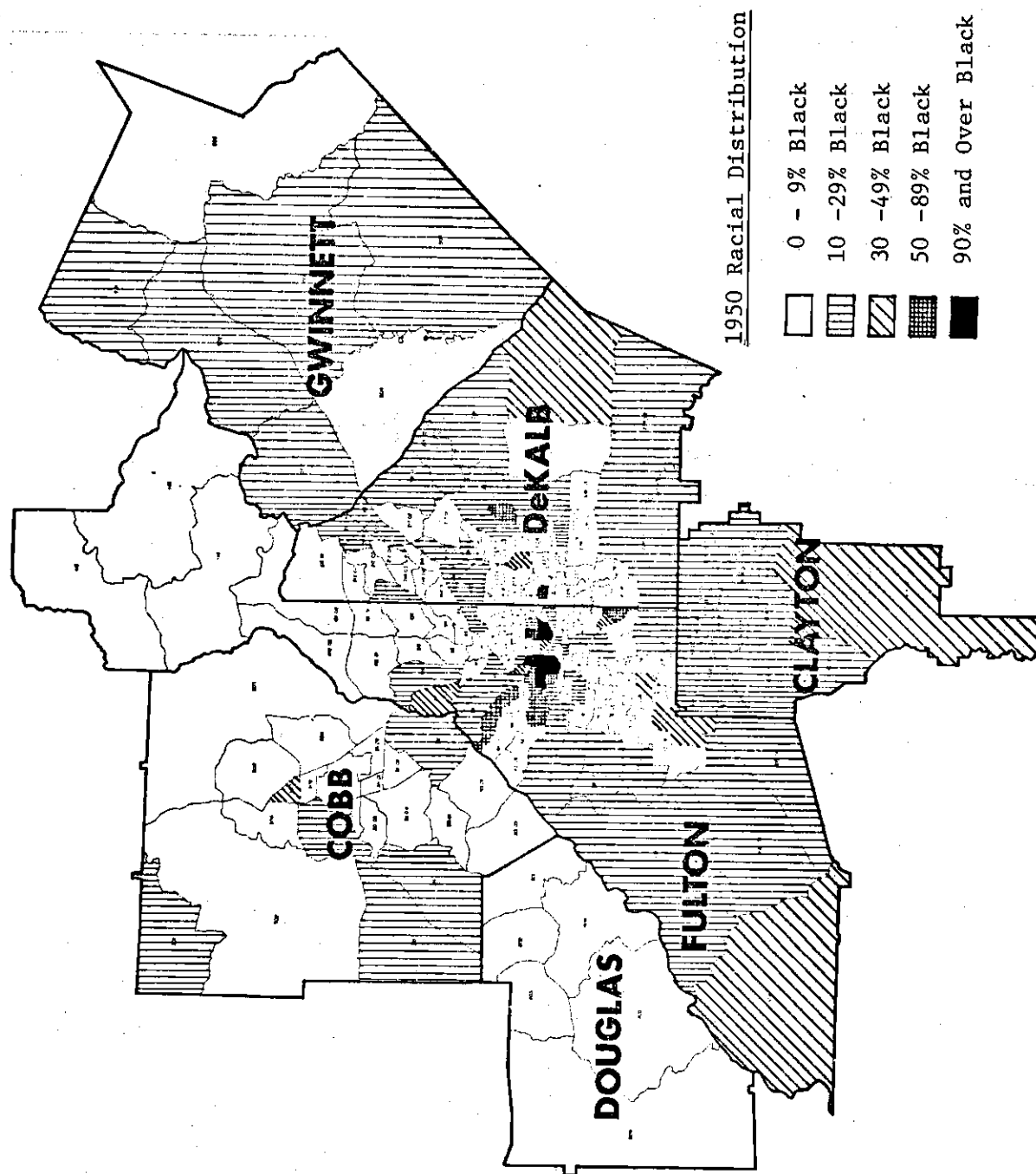


Figure 3. Racial Distribution in the Atlanta Region by Census Tract, 1950⁵

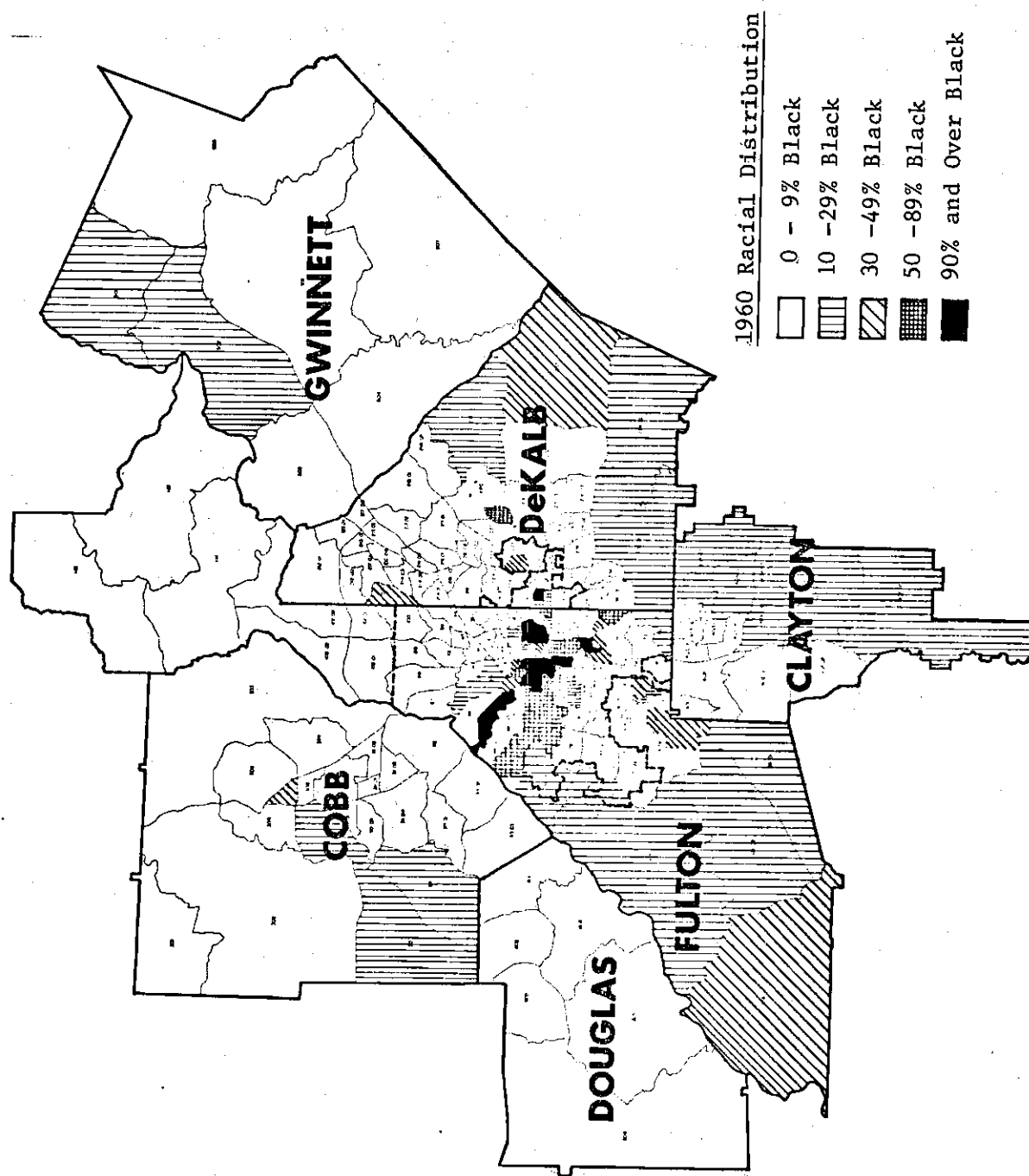


Figure 4. Racial Distribution in the Atlanta Region
by Census Tract, 1960

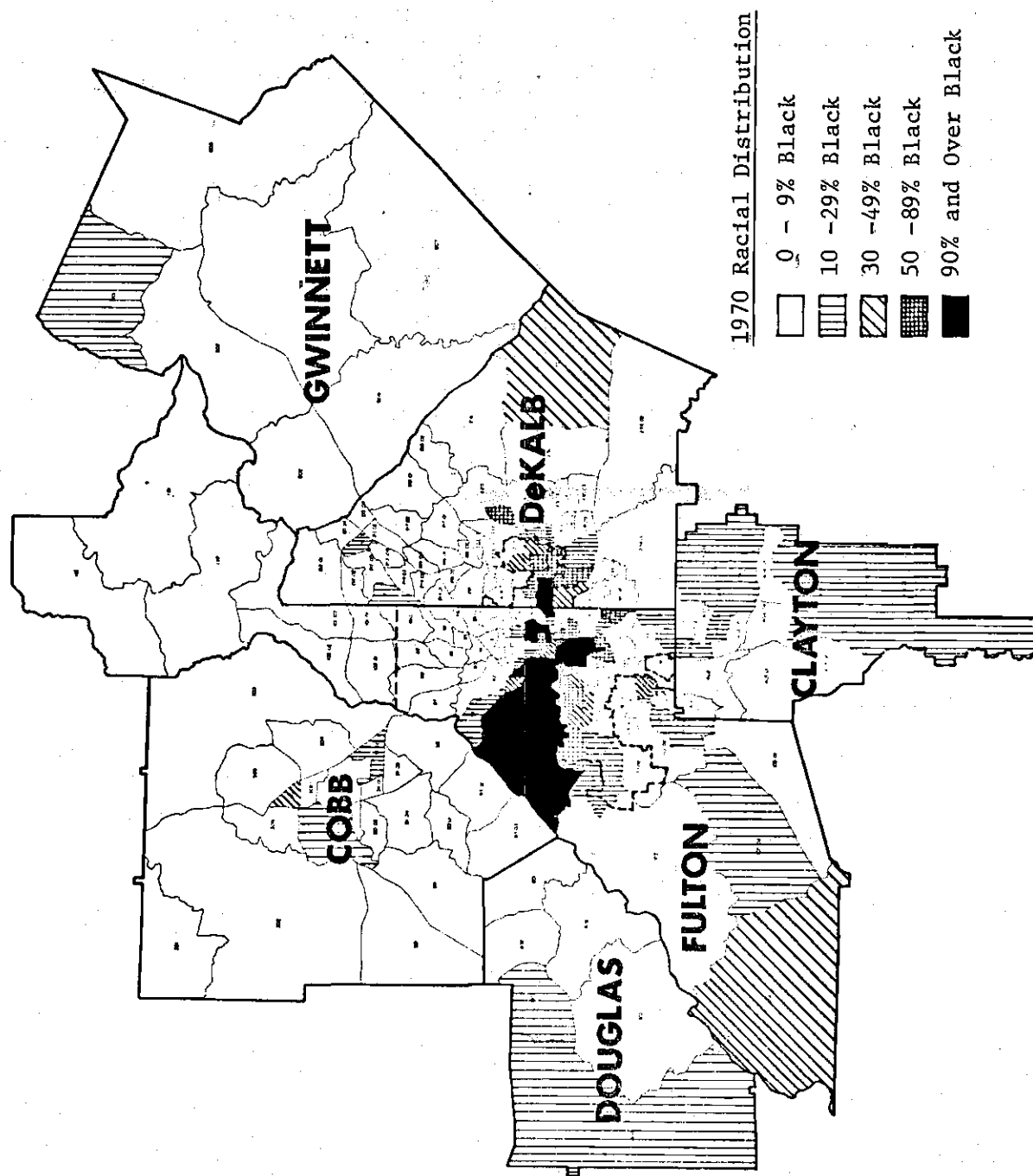


Figure 5. Racial Distribution in the Atlanta Region by Census Tract, 1970⁷

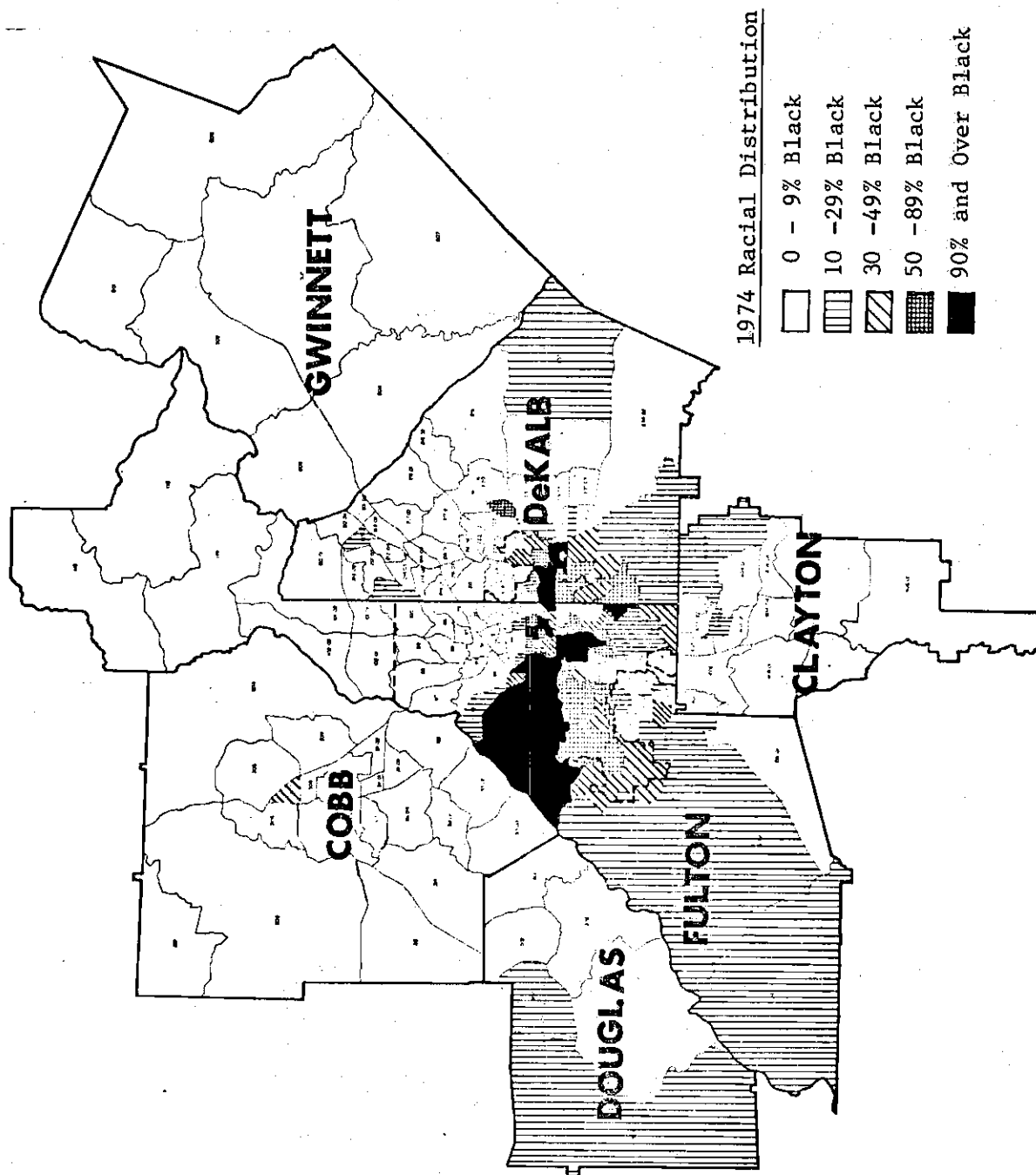


Figure 6. Racial Distribution in the Atlanta Region
by Census Tract, 1974⁸

Regional Study Districts

Existing county and municipal jurisdictions in the region do not lend themselves to complete comparative analysis because of their size and artificial boundaries. Therefore, the region has been divided into 19 subunits, or districts, to facilitate further analysis. Through this analysis, the identification of black residential areas with patterns of transportation and other factors of residential movement will be more evident than on the larger county totals.

The study district boundaries are based on a modified ring-sector theory. The sector lines radiate between existing interstate highways and are contiguous to the 1970 census tract boundaries. The ring boundaries, also contiguous with the census tract boundaries, approximate the various phases of recent outward growth in the region. The limits of each growth phase were defined by a composite average for each census tract of several factors. These factors were the percentage of land developed, residents per gross acre, percentage of multi-family dwelling units to total dwelling units, the percentage of industrial and commercially zoned land to total acres and other information.

Figure 7 shows the study districts and their relation to the six counties and the City of Atlanta.

Study District Demographic Pattern. Based on this district concept of population and resource distribution, a comparison of information between 1960 and 1974 (the realignment of census tracts in 1960 makes 1950 census tract information incompatible with later figures), reveals that in 1960, 27 percent of the region's total population was

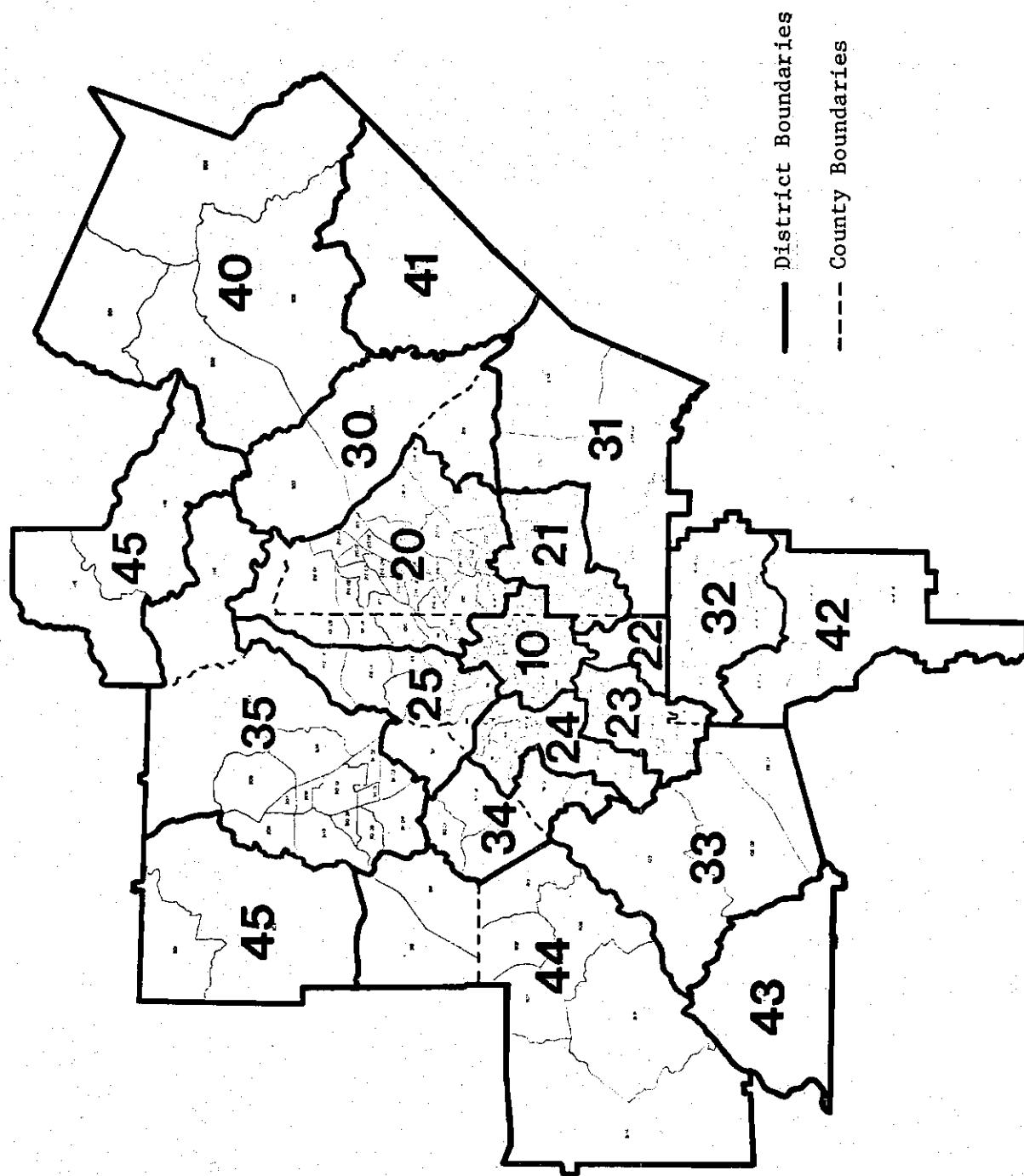


Figure 7. Study District Boundaries of the Atlanta Region⁹

living in the central city (District 10). Black residents comprised 54 percent of the residents in District 10 in 1960. By 1974, only 12 percent of the region's total population resided within the district. The percentage of black, however, in the district had risen to 62 percent. In 1960, three districts had a concentration of more than 25 percent black residents. In 1970 that figure had risen to five and was up to seven by 1974. District 24 (in West Atlanta) went from 37 percent black in 1960 to 81 percent black in 1970 and 90 percent black by 1974.

Dilution of black residents was apparent in most of the outlying districts, Districts 30 - 45. The influx of whites into these suburban districts and the movement of lower income rural blacks out, coupled with minimal black immigration into these areas, has reduced the percentage of black residents to 9 percent of the total population outside Districts 10, 21 and 24. The black population in 1974 was more in every district than in 1960 except Districts 10, 20 and 30.

Family Income. The annual family income of black families rose dramatically between 1960 and 1970. (The income averages presented have not been modified to provide for inflation.) In 1960, only 21 percent of all black families earned more than \$5,000 annually. By 1970, this figure had increased to 63 percent of all black families. In 1960, 17 percent of the white families and 2 percent of the black families earned more than \$10,000 annually. These percentages had risen to 54 percent and 25 percent, respectively by 1970. A summary of income distribution by race is found in Table 17.

Table 17. Annual Family Income Distribution by Race
in the Atlanta Region, 1960 - 1970¹⁰

Annual Family Income	Percentage of Families in			
	1960		1970	
	Total	Black	Total	Black
Under \$5,000	42%	79%	16%	37%
\$5,000 - 9,999	41	19	30	38
\$10,000 and Over	17	2	54	25

Note: Income not modified for inflation.

In the districts with the highest percentage of black families, Districts 10 and 24, in 1960 only 2 percent and 4 percent, respectively, of the families had incomes over \$10,000. In 1970, in the same two districts 16 percent and 36 percent of the families had annual incomes of \$10,000 or more, respectively. In the districts with the lowest percentage of black families, Districts 20 and 25, in 1960 1 percent and 0 percent, respectively, of the families had incomes of more than \$10,000. By 1970, these percentages had increased to 22 percent and 18 percent, respectively. Total family earnings of both black and white families over \$10,000 in 1970 comprised 72 percent and 75 percent, respectively, of the populations of these districts.

The highest percentage of black families earning over \$10,000 in 1960 was in District 24 (4 percent). In 1970, District 34 had the highest percentage (40 percent). Forty-six percent of all the families in District 25 earned over \$10,000 in 1960 for the highest percentage of earnings. The same district again had the highest percentage of families earning over \$10,000 in 1970, with 75 percent.

Employment. The dramatic rise in black family incomes can be attributed to several factors. These include generally higher wages, a greater percentage of high school and college graduates, practical elimination of de jure discrimination in the job market, a greater diversity of jobs, and inroads made in reducing de facto job discrimination. In 1960, 5 percent of the employed blacks were classified as professionals, managers or administrators. This percentage had increased to 11 percent in 1970. At the same time, the percentage of blacks in private household service decreased from 49 percent in 1960 to 29 percent of the total blacks employed in 1970. The greatest percentage increase for blacks was in sales and clerical workers, rising from only 6 percent of all black workers in 1960 to 19 percent in 1970. Table 18 shows the occupational characteristics of the region's employed residents by race for 1960 and 1970.

Table 18. Occupation Characteristics of the Atlanta Region's Residents, 1960 - 1970¹¹

<u>Occupation</u>	<u>1960</u>		<u>1970</u>	
	<u>Total</u>	<u>Black</u>	<u>Total</u>	<u>Black</u>
Professional and Managers	22%	5%	26%	11%
Sales and Clerical Workers	29	6	32	19
Craftsmen and Operatives	30	27	26	31
Service and Private Household Workers	15	49	4	29
Laborers and Farm Workers	4	13	12	10
Unemployed	3.6%	4.8%	2.9%	4.8%

Note: 1960 occupational distribution included "Occupation Not Reported" category. The totals above have allocated to the five occupational classifications the total of the "Occupation Not Reported" in the same proportion as the occupational classifications are to the total labor force.

In 1960, 29 percent of all workers in the region lived in District 10 and 48 percent of all black employees lived there. By 1970, the percentage of total workers had declined to 15 percent, but the black worker percentage increased to 54 percent. A gradual outward shift of the entire labor force may be seen between 1960 and 1970 by comparing the percentages in each district ring. In 1960, the percentage of all workers in Districts 10, 20-25, 30-35 and 40-45 was 29 percent, 47 percent, 15 percent and 9 percent, respectively. In 1970, these proportions had changed to 15 percent, 52 percent, 24 percent and 9 percent, respectively. These changes reflect an outward suburban migration from the city of the region's workers.

The number of workers residing in the two inner district rings, Districts 10 and 20-25 in 1960 was over 306,200. It increased to over 391,500 in 1970, a 28 percent increase. The outer two rings, Districts 30-35 and 40-45, experienced an increase of from over 94,600 in 1960 to over 207,300 in 1970 of workers' residence. This was a 119 percent increase over the ten year period.

Summary

The Atlanta region's population has more than doubled since 1950, indicating its desirability and willingness to foster employment and residential opportunities upon demand. The work force in the region expanded from over 400,000 to almost 600,000 workers between 1960 and 1970, a 49 percent increase. At the same time, the population increased 37 percent from slightly over one million in 1950 to 1.4 million by 1970. The higher rate of growth of employment indicates the region's attraction as an employment center and an expanding number of households with two workers.

Substantial educational, occupational and economic gains have been recorded by blacks in the Atlanta region during the last two decades. The percentage of all black workers in professional, managerial and clerical jobs more than tripled during the decade of the 1960's. Although blacks have made substantial progress in equal opportunity in occupations, they nonetheless, lag far behind whites in similar occupations. In 1970, 11 percent of the blacks were occupied in professional and managerial jobs while 29 percent of the white workers held such positions. The only occupational category that black workers have outstripped whites between 1960 and 1970 was craftsmen and operatives. The percentage of black workers in those occupations rose from 25 percent to 31 percent of the total black employed while the white percentage dropped from 29 percent to 27 percent between 1960 and 1970.

One of the primary reasons that blacks have not made further advances in certain occupations is the lack or restraint of access to emerging centers of employment in suburban areas. The lack of housing opportunities near such suburban employment centers creates additional transportation and time costs for blacks that devalues suburban wages to the point of taking a lower paying and perhaps lower status job in the central city or moving to another urban area.

The transition to a black majority for Atlanta has created the situation of little intergovernmental cooperation among suburban jurisdictions with the city for fear that any action might set a precedent to expand residential and employment opportunities for blacks in the suburbs.

Atlanta and its region have grown from a regional distribution point

to a national and international transportation and service center. The region and its people have prospered and, relative to the older industrial cities of the north, the environment has remained relatively unscathed by development. The figures on population growth and distribution, however, tell of less than full opportunity for blacks. These trends which have begun, unless halted, could lead to further segregation and reduced opportunities for blacks throughout the region.

Effects of Change on Public Education

The ten public school systems in the Atlanta region have basically maintained the neighborhood school concept. This has created the situation of racially segregated schools because of the racially segregated residential patterns. The Atlanta system, under a 1973 court order, allows transfers of black children to white schools outside their neighborhood but the rationale for such transfers has been eroded by the exodus of white students from the city's public system.

Average Daily Attendance

The average daily attendance (ADA) in the ten systems has risen from over 116,000 in 1950 to almost 306,800 in 1974, a 164 percent increase. The Atlanta system has increased 74 percent over its 1950 ADA, but has declined from over 92,700 students in 1970 to below 77,500 in 1974. Clayton County schools recorded the greatest percentage increase, 631 percent. Its ADA went from almost 4,100 students in 1950 to over 29,200 in 1974. Table 19 summarizes the ADA in the region's public school systems from 1950 to 1974.

Table 19. Public School Average Daily Attendance in the
Six County Atlanta Region, 1950 - 1974¹²

School District	Average Daily Attendance (K-12) in				Percent Increase 1950 - 1975
	1950	1960	1970	1974	
County					
Clayton	4,097	11,128	24,982	29,220	613%
Cobb	8,118	20,918	41,505	45,792	464
DeKalb	12,926	41,406	80,556	80,571	524
Douglas	2,577	4,040	6,865	9,794	280
Fulton	29,768	24,236	32,240	31,971	8
Gwinnett	6,590	9,162	16,157	23,075	250
Independent					
Atlanta	44,401	88,202	92,702	77,437	74
Buford	677	903	1,068	1,156	71
Decatur	3,241	3,865	3,929	3,408	5
Marietta	3,634	5,209	5,053	4,367	20
Total	116,029	209,069	305,057	306,791	
Percent Increase from Previous Period	-	80%	46%	0.5%	164%

Every school system had fewer students in ADA in 1974 than in 1973.

Of the systems, four have shown declining ADA's over the last several years (Fulton County, Atlanta, Decatur and Marietta), two have barely held their own (DeKalb County and Buford) and only four show signs of continuing their upward trends (Clayton, Cobb, Douglas and Gwinnett Counties). In fact, the Atlanta school system peaked in 1966 with slightly over 101,000 students enrolled and has steadily declined since then,

The rapid changes in Atlanta's school population since the late 1960's has created a demand for private schools within the city and the public schools of other jurisdictions. The Department of Health, Education and Welfare (HEW) estimated that 12,000 Atlanta children were enrolled in private schools in 1974, HEW estimated that the region's

private school enrollment totaled over 18,500 in 1974, or 5 percent of the total school enrollment.

The trends in evidence in the public school population have followed the migration patterns of local jurisdictions in general. Younger families with children have tended to choose suburban residential locations. As the population in the western and central portions of DeKalb County tends to mature, fewer school age children are produced and school facilities are either under capacity or revert to other uses. At the same time, the county has been forced to build new schools in the northern and eastern portions of the county because of continued suburban migration into those areas by families with children.

Capacity

As a result of shifting populations, there is a maldistribution of classrooms within the ten school districts. The total capacity in 1974 for all the schools in the region was 304,400. The ADA was 306,791, or 101 percent of capacity. The ratio of ADA to capacity ranges from a high of 149 percent in the Gwinnett County middle schools to a low of 44 percent in the Fulton County middle schools. The Fulton County system had the lowest proportion of ADA to capacity in 1974 of any of the ten districts. Only 78 percent of its capacity was utilized. The highest proportion was in Gwinnett County, which had 123 percent ADA of its rated capacity. Table 20 summarizes the school capacity, ADA and resulting vacant seats for the 1974 school year in the ten school districts in the Atlanta region.

Table 20. School District Capacity and Average Daily Attendance of the 10 Atlanta Region Systems, 1974¹³

School District	Capacity and ADA in				Total		
	Elementary Capacity	Elementary ADA	Middle and High Capacity	Middle and High ADA	Capacity	ADA	Net
County							
Clayton	14,400	16,060	10,775	13,140	25,175	29,220	-4,045
Cobb	20,300	28,300	16,625	17,492	36,925	45,792	-8,867
DeKalb	47,625	48,504	26,850	32,067	74,475	80,571	-6,096
Douglas	4,325	4,457	3,675	5,337	8,000	9,794	-1,794
Fulton	22,875	18,799	17,675	13,172	40,550	31,971	8,579
Gwinnett	10,175	11,307	8,450	11,768	18,625	23,075	-4,450
Independent							
Atlanta	54,950	45,146	35,275	32,291	90,225	77,437	12,788
Buford	400	549	425	607	825	1,156	- 331
Decatur	2,525	1,796	1,900	1,612	4,425	3,408	1,017
Marietta	2,700	1,996	2,475	2,371	5,175	4,367	808
Total	180,275	176,914	124,125	129,857	304,400	306,791	-2,391

Note: The Net Column is the difference between the capacity of the school based on State criteria and the ADA. A minus (-) denotes that children would have to be removed from the system in order to balance the ADA and capacity.

Racial Composition

Another important characteristic of the school districts is the racial composition of each. In 1974, 100 percent of the children in the Buford and Marietta school districts attended desegregated schools (Defined here to mean a school with an enrollment of at least 10 percent of both races). Cobb County, with 4 percent of its students attending desegregated schools, had the lowest percentage in the region. In Atlanta, 32 percent of the students attended desegregated schools in 1974. The location of each school in the region by racial composition is shown in Figure 8. A summary of the number of students in the region attending segregated and desegregated schools by school district is shown in Table 21.

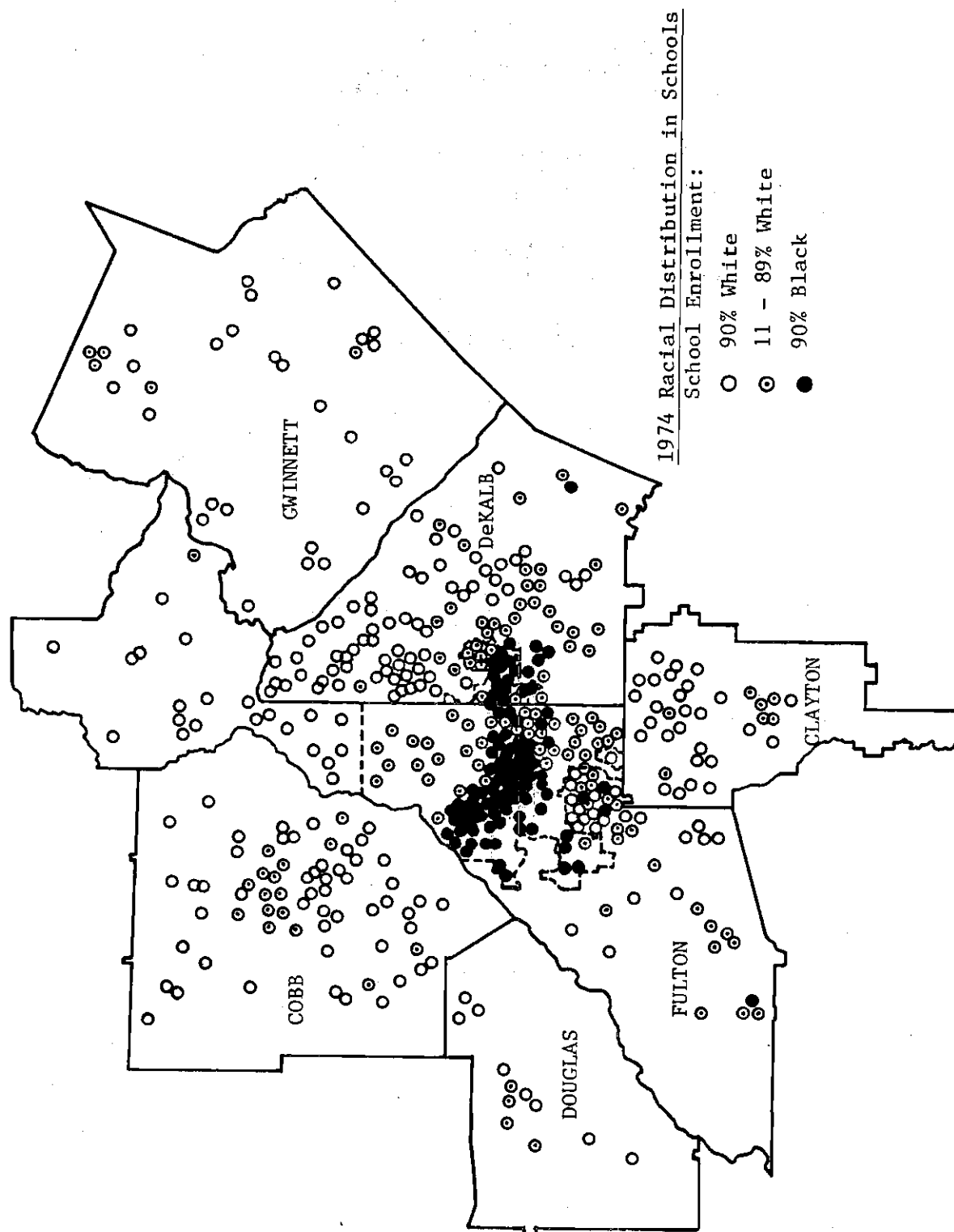


Figure 8. Racial Composition and Location of Schools
in the Atlanta Region, 1974¹⁴

Table 21. Racial Distribution of Students in the Atlanta Region, 1974¹⁵

School District	Student Totals	Number and Percent of Students Attending Schools					
		90% White		90% Black		Desegregated	
		Number	Percent	Number	Percent	Number	Percent
County							
Clayton	31,921	27,024	85%	0	0%	4,897	15%
Cobb	49,538	47,489	96	0	0	2,049	4
DeKalb	85,701	60,794	71	4,687	5	20,220	24
Douglas	10,527	7,616	72	1,963	19	948	9
Fulton	34,368	22,125	65	1,171	3	11,072	32
Gwinnett	24,549	23,406	95	0	0	1,143	5
Independent							
Atlanta	85,298	0	0	58,458	68	26,840	32
Buford	1,227	0	0	0	0	1,227	100
Decatur	3,636	0	0	1,017	28	2,619	72
Marietta	4,845	0	0	0	0	4,845	100
Total	338,373	188,454	56%	67,296	20%	82,623	24%

Note: The information presented is for students enrolled in each system as of October 15, 1974 and differs from the ADA totals presented elsewhere in this report.

The Percent of Students Attending Schools that are 90% White, 90% Black or Desegregated refers to the total students enrolled in each system. As an example, 85 percent of the enrolled students in Clayton County went to schools that were 90 percent white in 1974 and 15 percent of the students were enrolled in schools that were desegregated.

The number of schools within each system varies with the size of the district's population. It is important, therefore, to analyze the number of schools that are desegregated as well as the number of students attending them. Of the 488 public schools in the region in 1974, 235 (48 percent) had an enrollment of 90 percent or more white students. Of the remaining schools, 106 (22 percent) had enrollments of 90 percent or more black students and 147 (30 percent) had an enrollment of at least 10 percent black and white students. The number of schools by racial composition is shown in Table 22 for each of the region's school districts.

Table 22. Number of Schools in the Atlanta Region
by Racial Enrollment, 1974¹⁶

School District	School Totals	Number and Percent of Schools With Enrollments of					
		90% White		90% Black		Desegregated	
		Number	Percent	Number	Percent	Number	Percent
County							
Clayton	34	29	85%	0	0%	5	15%
Cobb	58	54	93	0	0	4	7
DeKalb	101	70	69	5	5	26	26
Douglas	13	9	69	3	23	1	8
Fulton	77	46	60	4	5	27	35
Gwinnett	30	27	90	0	0	3	10
Independent							
Atlanta	144	0	0	91	63	53	37
Buford	3	0	0	0	0	3	100
Decatur	10	0	0	3	30	7	70
Marietta	10	0	0	0	0	10	100
Total	488	235	48%	106	22%	147	30%

Educational Expenditures

The cost of public education varies widely within the region, although all the systems have experienced substantial increases in recent years. In Atlanta during 1974, \$1,411 was spent per child in ADA for public education, the highest per student average in the entire State. DeKalb County spent an average of \$959 per student in ADA and Clayton County spent the smallest per pupil average of \$792 in 1974.

Increased per student expenditures do not automatically result in a more effective or efficient educational system, however. Table 23 shows the cost per child in ADA in each of the ten school systems and the percentage of the total cost spent on instruction.

In the State of Georgia, 72 percent of the total educational costs per student went for instruction, maintenance and operation, and fixed charges in 1974. In the Atlanta system, only 65 percent of the system's

budget was spent on instruction. In Clayton County, 80 percent of that district's budget was allocated to classroom instruction in 1974.

Table 23. Cost Per Child in ADA in the Atlanta Region, 1974¹⁷

<u>School District</u>	<u>Cost Per ADA Child</u>		<u>Percentage of Total Spent on Instruction</u>
	<u>Total</u>	<u>For Instruction</u>	
County			
Clayton	\$ 792	\$633	80%
Cobb	833	611	73
DeKalb	959	693	72
Douglas	841	605	72
Fulton	1168	886	76
Gwinnett	796	562	71
Independent			
Atlanta	1411	914	65
Buford	804	612	76
Decatur	1162	811	70
Marietta	986	748	76

Table 24 identifies the cost per child in ADA by selected educational function for each of the ten school districts in 1974.

Table 24. Cost Per Child In ADA in the Atlanta Region by Educational Function, 1974¹⁸

<u>School District</u>	<u>Educational Function</u>					<u>Total Cost Per Child</u>
	<u>Adminis- tration</u>	<u>Instruc- tion</u>	<u>M&O*</u>	<u>Fixed Charges</u>	<u>Other+</u>	
County						
Clayton	\$10	\$633	\$ 88	\$ 33	\$28	\$ 792
Cobb	15	611	98	70	39	833
DeKalb	16	693	130	90	30	959
Douglas	23	605	66	76	71	841
Fulton	27	886	190	27	38	1168
Gwinnett	11	562	79	67	77	796
Independent						
Atlanta	82	914	276	113	26	1411
Buford	36	612	93	60	3	804
Decatur	45	811	178	109	19	1162
Marietta	22	748	132	76	8	986

Note: *Maintenance and Operation

+Includes attendance services and pupil transportation

These patterns of expenditures suggest several alternatives to more effective and efficient utilization of educational resources. The administrative structures in the under capacity systems, especially in Fulton County, Atlanta and Decatur, are underutilized. Under capacity and age of facilities also contribute to relatively high maintenance and operating costs for the older school districts. In the Fulton County and Decatur systems especially, the under utilization of facilities contributes greatly to their educational costs. The solution, however, does not necessarily lead to a "bigger is better" alternative.

The administrative costs in the Atlanta system are almost twice as much as the next highest system and over eight times the per child administrative costs for the Clayton County school system. This demonstrates that a large number of schools under the same administrative structure do not necessarily mean efficiency of operation.

Policies and recommendations, detailed in Chapter VI, to reduce educational expenditures and decrease racial isolation deal with actions that will lead to more cooperation among districts and retain a certain amount of local autonomy.

Sources of Revenues

The proportion of educational funding from local, state and federal sources varies among school districts in the region. Local district sources provided 52 percent of the educational receipts in the region. Forty percent came from State sources and 8 percent from federal receipts in 1974. Table 25 summarizes the sources of educational receipts

and the percentage of local, state and federal receipts for the region's school districts in 1974.

Table 25. Sources of Receipts for Maintenance and Operation in the Atlanta Region's Public Schools, 1974¹⁹

Source of Revenues (in millions)							
School District	Local		State		Federal		Grand Total
	Percent	Percent of Total	Percent	Percent of Total	Percent	Percent of Total	
	Amount		Amount		Amount		
County							
Clayton	\$ 9.0	36%	\$ 14.5	58%	\$ 1.4	6%	\$ 24.8
Cobb	15.7	40	22.2	56	1.7	4	39.7
DeKalb	50.9	54	38.8	42	3.8	4	93.5
Douglas	4.5	43	5.1	49	0.8	8	10.4
Fulton	24.4	61	14.2	35	1.6	4	40.2
Gwinnett	8.2	39	11.1	53	1.6	8	20.9
Independent							
Atlanta	70.3	59	34.0	28	16.1	13	120.4
Buford	0.4	35	0.5	54	0.1	11	1.0
Decatur	2.3	51	1.7	39	0.5	10	4.4
Marietta	2.5	51	1.9	39	0.5	10	5.0
Total	\$188.2	52%	\$144.1	40%	\$28.0	8%	\$360.3

Note: Funds expended by each source are generated by that source and do not include pass-through funds. As an example, all federal contributions, whether State pass-through or direct grants, are counted under federal receipts.

The extremes in average daily attendance for the school districts in the Atlanta region conceal the relative per student receipts from local, state and federal sources. Figure 9 identifies this per student ADA average cost by receipt source for each of the districts in 1974. The Atlanta system received the most per student from local receipts, \$974, while Clayton County received the lowest, \$309. State receipts per student in ADA for 1974 were \$631 in Cobb County for the largest average in the region and \$445 in Fulton County for the least. Federal receipts averaged \$223 per student in the Atlanta system while both Clayton and

DeKalb County systems received \$48 per student as the high and low extremes, respectively.

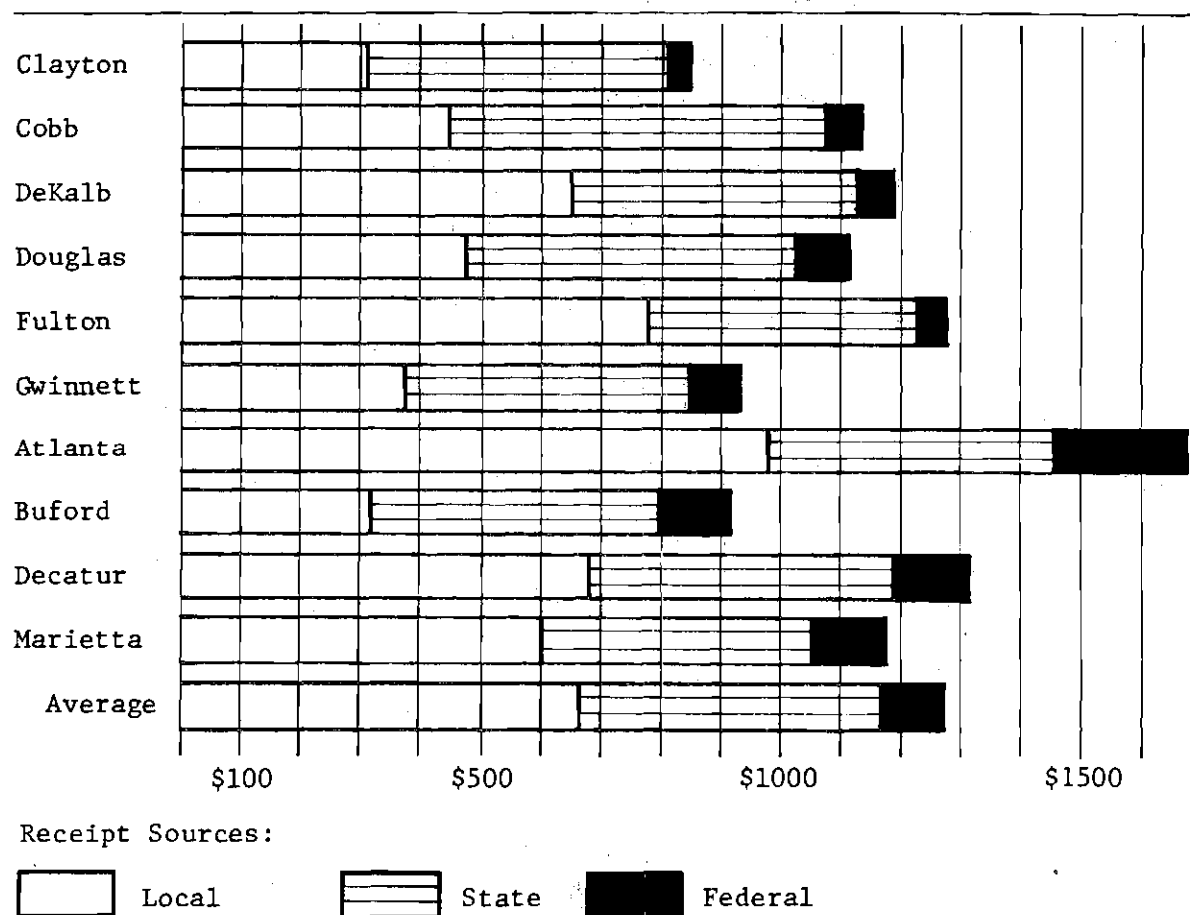


Figure 9. Receipts Per Student in ADA in the Atlanta Region by Source, 1974²⁰

Summary

During the 1974 school year, the ten school districts in the Atlanta region spent over \$360 million for the provision of education. This total does not include the construction of new facilities which were paid for by the State and local contributions. The returns on this

investment will not be realized for many years to come, if at all. To measure the effectiveness of education as it is delivered in the region's varied circumstances is an almost impossible task. An impediment to the future effectiveness of the region's schools is the situation of divisive apprehension among the school districts and the people they serve. This has been created, in part, by the region's changing patterns of population such as racial concentrations and exclusion.

The schools of the Atlanta region are becoming more segregated as a result of the residential patterns in the region. The Atlanta system, because of fewer white school age children and an influx of blacks into the city, had over 80 percent black enrollment in 1974. Many of DeKalb County's schools inside I-285 and south of Decatur are rapidly becoming majority black because of the population and racial shifts in the area. Fulton County schools in College Park, East Point and Hapeville have experienced an influx of black students as their parents move from the city or enter the region for the first time.

In effect, the schools of the region are becoming segregated once again despite court orders, busing and other efforts. Under current conditions, many of the residents of the Atlanta region are not willing to voluntarily accept the desegregation of schools or residential neighborhoods. Realistically, mandatory contact time situations are required to reduce racial isolation and improve the chances of desegregation.

Agents of Change - The Courts

The most influential single element in trying to achieve and maintain desegregation in the region's schools has been the court system.

The courts have determined to a large extent the present situations in the Atlanta and Decatur school systems. There have been five school cases and several related cases brought before the District Court, the Fifth Circuit Court of Appeals or the Supreme Court in the past 25 years in the region. Three of these are of significance to the overall structures of the ten school systems under study. The cases are grouped into those dealing with education, public housing and interdistrict remedies,

Education

The first major desegregation suit was brought against the Atlanta school system by the N.A.A.C.P. in 1958. It was settled out of court in 1973. The turning point of the case came when it was returned by the Court of Appeals, Calhoun v. Cook (430 F.2d. 1174, 1970) to the District Court (332 F.Supp. 804, 1971). The District Court found that

Atlanta's de jure status has long since been removed ... Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the (Atlanta) Board (of Education) to increase segregation ... Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. (332 F.Supp. 809, 1971)

The District Court forcefully placed the cause of the educational patterns of sergregation on the Atlanta region's housing patterns.

Segregated housing, whether impelled by school change or not, remains the unconquerable for of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continue.... The problem is no longer how to achieve integration, but how to prevent resegregation. (332 F.Supp. 806, 1971)

This decision was appealed by the N.A.A.C.P. to the Court of Appeals which overturned the District Court decision. The Court of Appeals

decreed that the Atlanta school system be fully desegregated immediately. This decision led to the compromise agreement between the Atlanta Board of Education and the N.A.A.C.P. in 1973.

Public Housing

The question of the relationship between residential segregation and school segregation was raised in Crow v. Brown (332 F.Supp. 382, 1971, 457 F.2d. 788, 1971). This case involved the Atlanta Housing Authority and Fulton County.

Two cases were joined into the Crow case when developers could not get the necessary rezoning and building permits for public housing units from the Fulton County Commission. The two projects in unincorporated Fulton County, Boatrock and Red Oak, were denied the necessary permits, the plaintiffs contended, solely because they were public housing and blacks would have occupied them.

The Court ruled that the County Commission's refusal to issue the building permits was discriminatory against future public housing tenants on the basis of their probable race (the Atlanta Housing Authority waiting list of residents was 95 percent black families) and therefore illegal. The Court required Fulton County to issue the necessary permits regardless of the nature of the project as long as it met the objective codes of the county.

Two important aspects of this case were the future of the City of Atlanta as a residential choice for whites and the dispersion of public housing as an initial step in breaking the patterns of educational resegregation. The Court commented that

Within the immediate future ... it is not merely possible but certain that Atlanta will become, in essence, a black city with a solid white perimeter ... Unquestionably the design of the plan (the lawsuit) is to allievate to some degree the crisis now at hand in Atlanta and the goal of the plan is to preserve Atlanta's future as a city in which both whites and blacks may live.

... the public housing program in Atlanta has contributed, in no small way, to racial concentration in a compacted area. One of the consequences of this racial concentration is that it has become virtually impossible to achieve meaningful school desegregation. Indeed ... a dispersal of urban housing patterns is the only alternative to massive busing if desegregation, rather than resegregation, is to be achieved. (332 F.Supp. 384, 1971)

Another important element in the decision was the order by the Court to create a committee to select possible future public housing sites in Atlanta and Fulton County. The report was the first attempt in the city toward a comprehensive public housing policy. The thirteen sites recommended in the city and the eighteen in incorporated Fulton County were selected using the following criteria.

- Satisfactory topography.
- Available and accessible public services such as health centers and parks.
- Uncrowded schools.
- Public transportation.
- Compatibility with surrounding land uses.
- Employment and shopping opportunities.²¹

The report also recommended that the Atlanta Regional Commission (ARC) plan for a regional housing authority, no more than 50 to 100 family units be built in any one location, the leased housing program be expanded, and that project social services be expanded.²²

Interdistrict Remedy

The next judicial response to de facto segregation in the Atlanta region was a suit filed originally by the N.A.A.C.P. against Fulton and DeKalb Counties and the City of Atlanta in 1968, Armour v. Nix (Civil Action File Number 16708). The suit was joined in 1972 by the A.C.L.U. The school districts of Clayton, Cobb and Gwinnett Counties and the independent systems of Buford, Decatur and Marietta were added as defendants in 1972. In 1975 Douglas County was added as the tenth defendant.

This case, as yet unheard before the District Court, is seeking to achieve school desegregation by asking for a metropolitan solution which involves all of the ten school systems.

The brief for the case is extensive and involves public decisions in educational matters as well as land use controls and other related policies. Marjorie Hames, chief lawyer for the A.C.L.U. on the case, commented on the recent Indianapolis busing ruling which, in part, was brought about because the state had pushed for metropolitan provision of all services except education.

In Indianapolis, they tried a consolidation of city and county and (the court) said that could not be tolerated for the purpose of maintaining a black island.²³

In Armour v. Nix, the contention of the plaintiffs is that there have been covert and overt attempts by Atlanta and the suburban school systems to illegally maintain segregation through actions of local government. The plaintiff's complaint, filed on September 30, 1975, documented several instances of cooperative interdistrict busing between

Atlanta and other systems to maintain segregated schools.

The transportation of black high school students into Atlanta from Fulton County before 1951, DeKalb County until the late 1940's, the City of Decatur until the late 1930's, Clayton County prior to 1952 and Cobb County until 1963 was done because none of the mentioned school districts provided separate black high schools until those dates. Cobb County, after 1963, contracted with the City of Marietta school system and transported all of its black high school students to a Marietta high school until 1968. Gwinnett County similarly did not provide high schools for blacks until 1957 and those blacks that attended high school were sent to Atlanta, Decatur or DeKalb County schools.²⁴

The interdistrict transfer of white and black students has taken place among most of the school systems of the region through contractual arrangements between two districts. In general, non-resident, black students have been allowed to attend Atlanta schools and white Atlanta students have attended public schools outside the city. The school systems of Cobb, Fulton and DeKalb Counties have allowed non-resident white students to attend their schools, but have refused "to allow black students from Atlanta to cross system lines to complete the desegregation process in Atlanta."²⁵

Other examples of the interdistrict transfer of students include specialized education such as the Atlanta Area School for the Deaf and the establishment of vocational schools. Out of classroom activities such as field trips to Fernbank Science Center and Grant Park Zoo also create interdistrict dependencies of educational resources.

The school systems do not, however, care to receive black students from other systems. The independent school districts and their counties "have refused to implement consolidation because the maintenance of the separate independent system in the past or at present isolates large numbers of black students within the independent school systems' boundary lines."²⁶

The final point of the brief is that State, regional and local government actions have aided in the maintenance of segregated housing and, hence, educational patterns.

The State and its instrumentalities have pursued segregative public housing, (urban renewal, and exclusionary zoning) practices which have required or had the effect of: restricting blacks to prescribed residential communities in the metropolitan area, primarily Atlanta, Buford, Decatur and Marietta; and precluding blacks from residing in suburban communities in the metropolitan area, primarily in Clayton, Cobb, DeKalb, Douglas, Fulton and Gwinnett Counties. These practices have made meaningful school desegregation virtually impossible.²⁷

Summary

The courts have played a decisive role in the desegregation of the Atlanta region's independent school systems, especially in Atlanta and Decatur. County districts, however, have remained virtually free of court orders beyond requiring that de jure segregative practices be abolished.

In 1973, the District Court found that Atlanta's educational segregation was a result of residential segregation. A related housing case was decided in 1971 in which the court recognized the part that public housing concentration had played in the Atlanta region's segregated school systems.

The next step in educational segregation in the region presently

stands undecided. The interdistrict case has met with resistance from the local school boards and the State Department of Education and has been in District Court over two years without any testimony given. Judgements from the cases pending in Wilmington, Delaware and Indianapolis from the Supreme Court are going to influence the Atlanta case. Until they are decided, little judicial progress can be made locally.

Agents of Change - Local Government

Local government is the administrative representation of a community's values and economic influence. Historically, when a community of residents desired to maintain their community for "their own kind", it was achieved through local government policies. There is evidence, however, that these policies of exclusion (especially fiscal exclusion) are becoming less manageable. This view is supported by an increased number of local governments, the economic realities of service delivery, the interdependence among levels of government and the increasing influence of federal and state government at the local level.

Increased Number of Local Governments

There were 105 units of government in the Atlanta region in 1975. They consisted of 46 municipal and six county governments and 59 authorities and special districts. The first city to be incorporated in the region was Decatur in 1823. Atlanta was incorporated in 1857. Of the 46 municipalities, 24 were incorporated before 1900, 17 between 1900 and 1944 and five between 1944 and 1956. In 1975, two of the municipalities had populations of more than 40,000, six had between 10,000 and 30,000

residents and 39 had populations under 10,000.

As the population growth of the region accelerated after 1950, discriminatory practices also increased. Discriminatory policies were enacted by suburban jurisdictions to limit the residential and employment opportunities for blacks. (A discussion of these policies is found in the Open Housing section of this chapter). The ability of a locality to enact discriminatory policies without affecting federal, state or another local government has been reduced because of greater intergovernmental cooperation and the sheer number of governments. Even though it has become more difficult for a local government to act without affecting other jurisdictions, the framework of segregation that was built during the last two decades remains an obstacle to the desegregation of the region.

The Economic Realities of Service Delivery

The provision of services by very small units of government has tended to cost more and offer less than if provided by larger units. Diseconomies of scale, however, are apparent in provision of public services in the region after a certain population threshold has been reached.

The Atlanta Regional Commission (ARC) prepared basic public costs per capita for the region based on 1970 budget and expenditure information supplied by the region's local governments. Plotting per capita costs derived from the ARC study revealed that municipal basic service costs increased as population increased at a higher rate than county expenditures.²⁸ In fact, as seen in Figure 10, the rate of increase in municipalities with populations over 15,000 was over three times the

per capita service increases of the counties.

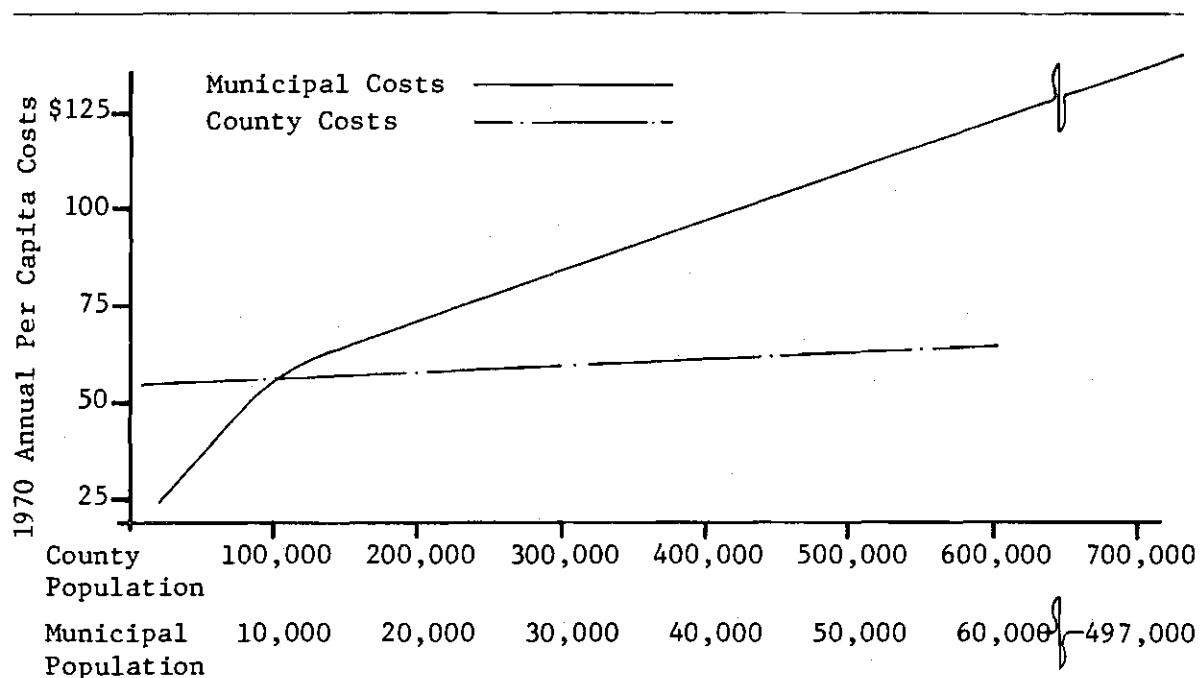


Figure 10. Cost Curve for Basic Public Services, 1970²⁹

County service expenditures reflect less demand and generally less intense levels of service than municipal provisions. As suburban development becomes more intense in a county, the demand and public expenditures for services increase. Cobb County serves as an example of this. In 1970, the per capita debt service for Cobb was \$21, exceeded only by Fulton County's \$23 per capita. This debt service is a reflection, in part, of recent installations of public services required by the influx of population into the county during the last two decades.

Actual per capita costs for 1970 are shown in Table 26. The basic public services include general government, fire, judiciary, police,

libraries, parks and recreation, public works, health, welfare and hospitals.

Table 26. Basic Public Service Costs and Revenues Per Capita
For Selected Jurisdictions in the Atlanta Region, 1970³⁰

<u>Jurisdiction</u>	<u>Per Capita Costs</u>		<u>Total Per Capita Revenues</u>
	<u>Total</u>	<u>Debt Service</u>	
Unincorporated Portions of			
Clayton	\$ 58	\$ 4	\$ 62
Cobb	56	9	65
DeKalb	65	7	75
Douglas	58	3	55
Fulton	67	10	83
Gwinnett	54	3	57
Incorporated Portions of			
Clayton*	93	7	104
Cobb**	91	12	107
DeKalb+	100	10	117
Douglas	93	5	97
Fulton++	102	13	125
Gwinnett	89	5	99
Municipalities of			
Atlanta	190	39	229
College Park	153	13	185
Decatur	126	10	168
East Point	152	14	188
Forest Park	119	7	119
Marietta	123	12	165
Smyrna	93	12	127

Note: *Except Forest Park.

**Except Marietta and Smyrna.

+Except Atlanta and Decatur.

++Except Atlanta, College Park and East Point.

The primary source of revenues for local governments is the property tax, an unpopular but effective means of collection. In 1976, tax rates varied from a high of 59.34 mills in Atlanta to 31.40 mills in Gwinnett County. In all of the region's counties, except Clayton, school operating expenses comprised at least 50 percent of the millage rates. Table 27 offers a comparison of relative millage rates among

selected jurisdictions of the region. Methods of assessment and assessed values are required in addition to the millage rates to get a complete view of a jurisdiction's taxing situation. The millage rates do, however, give a sense of relative tax costs among the region's local jurisdictions.

Table 27. Tax Rates of Selected Jurisdictions in the Atlanta Region, 1976³¹

<u>Jurisdiction</u>	<u>Total Millage Rate</u>	<u>School Operations and Bonds</u>	<u>School Tax as Percentage of Total Rate</u>
Counties			
Clayton	37.75	18.30	49%
Cobb	37.50	21.25	57
DeKalb	41.50	24.60	59
Douglas	33.00	19.25	58
Fulton	33.47	20.32	61
Gwinnett	31.40	16.50	53
Municipalities			
Atlanta (Part in Fulton County)	59.34	30.28	51

Interdependence Among Local Governments

The use of the automobile has increased the mobility of residents to such an extent that they depend on several governments for necessary services. This may be identified as one of the processes of urbanization occurring in a region.

While this greater interdependence is occurring on the one hand, areas contiguous to Atlanta continue to resist annexation and consolidation attempts. According to influential lawmakers from Fulton and DeKalb Counties, the issue of annexation in the region will not be brought to the floor of the Georgia Legislature and little or no progress will occur for at least the next five years on the issue. The most likely

legislative response to the fiscal problems and service capacity of several of the cities and counties in the region is the creation of either regional special districts or multi-jurisdiction districts to provide the basic public services such as water, sewage treatment, fire and similar services.³²

The push for expansion of Atlanta's boundaries to improve the city's economic stability is tempered with pressures from the black community to do nothing that would dilute their political strength in the city. Having a black mayor and a black majority board of education for the first time, blacks are rightfully hesitant to return the symbols, if not actual reins, of power back to whites through annexation or consolidation.

The alternative to consolidation in the region has been service agreements. By 1975, there were almost 240 intergovernmental contracts or agreements among the municipalities and counties for services. This total does not include agreements with special districts.

Provision of services is handled primarily by the counties, with the smaller cities contracting for such services as fire protection, water and sewer, garbage collection, planning and zoning and other services. Among the 46 municipalities, only Atlanta and East Point provide all of the major service functions through city departments or authorities. (Public health services are provided by Fulton County in these two cities as required by State law).

Summary

Only recently have the spiralling public costs of suburban development in the Atlanta region become apparent in the form of higher taxes and

reduced levels of service. Associated costs of racial discrimination have seldom been viewed by residents and local government in the region from a cost-effective standpoint. Private discrimination and public prejudice still overshadow the economic considerations of under and over utilized school facilities, adequate and safe housing for lower income residents, the effective use of a government's natural and human resources, increased revenue redistribution and a more equitable distribution of public costs throughout the region.

Under-utilized educational facilities and rising educational costs face the school systems in the more mature areas of the region. Over-capacity and rising costs plague the developing suburban school districts. No effective method of educational resource redistribution is being used in the region, to the detriment of all the region's school districts.

The dispersion of blacks throughout the region remains unresolved, residentially, economically and educationally. A combination of mandatory and voluntary actions are required to create a change in this situation.

Without some form of intergovernmental cooperation between the central city and the suburban areas, the region's amenities, resources and economic stability could be so depleted that no amount of governmental separation and local autonomy would be able to maintain a particular jurisdiction's desired level of urban service and quality.

Agents of Change - Open Housing

As the Atlanta region increasingly absorbs new development and

influxes of new residents, the central city patterns of residential development and location are being replaced by suburban housing tracts and planned unit developments. Despite, or because of, the influx of, in effect, another urban area since 1950, patterns of residential segregation appear as strong, and perhaps stronger, than before overt de jure segregative practices were struck down by the courts. As Atlanta has grown from a small southern town to a regional and national center, its racially mixed residential neighborhoods, characteristic of small southern towns, has been replaced by the de facto residential segregation patterns typical of many northern cities.

Many factors have affected the open housing situation in the Atlanta region. Some of the more important factors include federal intervention in housing, local public segregative policies, annexation, real estate segregative policies, structural housing characteristics, and residential attitudes toward public housing.

Federal Intervention in Housing

The FHA and VA policies of requiring homogeneous neighborhoods before financing housing until the 1950's affected the Atlanta region's housing market similarly to the rest of the country. Such policies affected the region because it coincided with an expansion of population and development that has continued even today.

Of the almost 270,000 new residents of DeKalb County outside of Atlanta and Decatur between 1950 and 1970, less than 4 percent were black. This compares to an 11 percent black population in the county in 1950. This trend is evident in all of the region's suburban counties.

Public Housing. The City of Atlanta contained 81 percent of the

public housing units in the region in 1975. Table 28 indicates the local housing authorities in the region that have constructed housing, the number of units and the typical number of residents in them.

Table 28. Local Housing Authority Housing, 1975³³

<u>Housing Authority</u>	<u>Number of Units</u>	<u>Typical Number of Residents*</u>
Acworth	58	174
Atlanta	15,520	51,400
Buford	116	350
College Park	440	1,159
Decatur	399	1,507
DeKalb County	200	954
Douglas County	126	460
East Point	485	1,604
Fairburn	24	66
Jonesboro	35	122
Lawrenceville	162	415
Lithonia	175	510
Marietta	1,390	3,500
Norcross	24	77
Palmetto	20	62
Roswell	62	168
Union City	16	42
Total	19,252	62,570

Note: *Typical number of residents is derived from actual local housing authority figures in Atlanta, Decatur, DeKalb County and Lithonia. For the remaining local housing authority totals, estimates were calculated by the author based on conversations with the various directors of the authorities and averaging based on federal occupancy guidelines.

Reportage of the racial composition is not required by HUD and only the Atlanta Housing Authority (AHA) and Decatur Housing Authority had racial characteristics of their tenants. In telephone interviews with the directors of several of the authorities, it appears that as of 1975, practically all of the public housing units in Decatur and

Dekalb County were primarily black occupied and the remaining housing authorities in the suburban areas of the region has a high proportion, if not a majority, of white occupants.

Under Georgia statutes, the Atlanta Housing Authority has jurisdiction to build public housing up to ten miles from the city's boundaries if there is not another housing authority in that jurisdiction. Expansion and dispersion of AHA housing within this extraterritorial area has been effectively stopped in the past by Cobb and Fulton Counties, which have created local housing authorities but have never built any public housing. DeKalb County has constructed one public housing project but also is an impediment to the AHA efforts.

One of the few positive federal attempts at dispersing public housing, thereby reducing its concentration and negative effects on neighborhoods, has been Section 8 leased housing. Under this program units are leased from private developers and the local housing authority, in effect, pays the difference between 25 percent of the lower income household's adjusted income and the fair market rent of the dwelling. Seven of the region's authorities have requested allocations from HUD for Section 8 housing. Of the 2,147 units allocated by HUD to these authorities, only 713 (33 percent) had been brought under lease as of June 9, 1976.³⁴ The number of Section 8 units allocated to and leased by each of the region's local housing authorities is shown in Table 29.

Table 29. Section 8 Leased Housing in the Atlanta Region, 1976³⁵

<u>Local Housing Authority</u>	<u>Number of Units Allocated by HUD</u>	<u>Number of Units Under Lease by Local Authority</u>
Atlanta	1,001	226
DeKalb County	300	42
Fulton County	200	74
Jonesboro	350	301
Lithonia	96	70
Marietta	100	0
Decatur	100	0

Federally-Assisted Housing. In the Atlanta region in 1975, there were nearly 12,700 federally-assisted housing units financed through Sections 202, 221(d)3 BMIR (Below Market Interest Rate), and 236. Of these, 70 percent were in Atlanta. Blacks occupied 52 percent of the region's federally-assisted housing units and 88 percent of the black residents lived in units located in Atlanta. Table 30 shows the total number of units by location and racial occupancy.

Table 30. Occupancy of Section 202, 221(d)3 BMIR and 236 Housing in the Atlanta Region, 1975³⁶

<u>Location</u>	<u>Total Units</u>	<u>Percentage of Units Occupied by Blacks</u>	<u>Percentage of Region's Units Occupied by Blacks</u>
Atlanta	8,902	65%	88%
Doraville	258	0	0
Forest Park	210	13	0
Jonesboro	593	20	2
Decatur	1,430	23	5
Red Oak	110	39	1
Conley	280	9	0
College Park	68	100	1
Lithonia	174	9	0
Riverdale	150	10	0
Smyrna	104	10	0
Marietta	296	41	2
Hapeville	74	0	0
Total	12,649	52%	

Figure 11 shows the location of public housing projects and moderate income federally-assisted housing in the region in 1975.

Local Public Segregative Policies

During the 1950's, the period which characterized the first outward movement of a substantial number of people from the City of Atlanta, the region's county and municipal officials required racial restrictive covenants. Such covenants were found in rezoning petitions and the City of Decatur's code did not permit blacks to move into blocks where whites lived until the 1950's.³⁷

Zoning has been used as an effective instrument to segregate the races residentially in the region.

In recent years, zoning officials in each of the six counties have denied a disproportionate number of rezoning petitions for high and medium density residential zoning and have granted a disproportionate number of rezoning petitions for low density residential, commercial, office and institutional, and industrial zoning - thereby facilitating job opportunities in the counties, but excluding blacks and other low income persons from residing in the counties.³⁸

Public participation in the maintenance of segregated housing during the 1950's and 1960's was somewhat unique in Atlanta.

... In Atlanta ... the racial occupancy of certain disputed areas has been a subject of organized negotiation between Negro and white communities ... Certain of the expansion areas desired by Negroes were violently contested. To insure peaceful transition (emphasis added), a biracial group was formed ... This group, with support from both white and Negro communities, negotiated the boundaries of Negro expansion; its decisions, in the main, were respected by white and Negro populations. Areas which it designated for Negro occupancy ceased to be contested and were promptly evacuated by resident whites ... In return for peaceful possession of certain desired territory, the Negro leadership agreed not to press expansion beyond certain limits, agreements which it later had cause to regret. Intensified segregation is another price which Atlanta Negroes have had to pay for added living space.³⁹

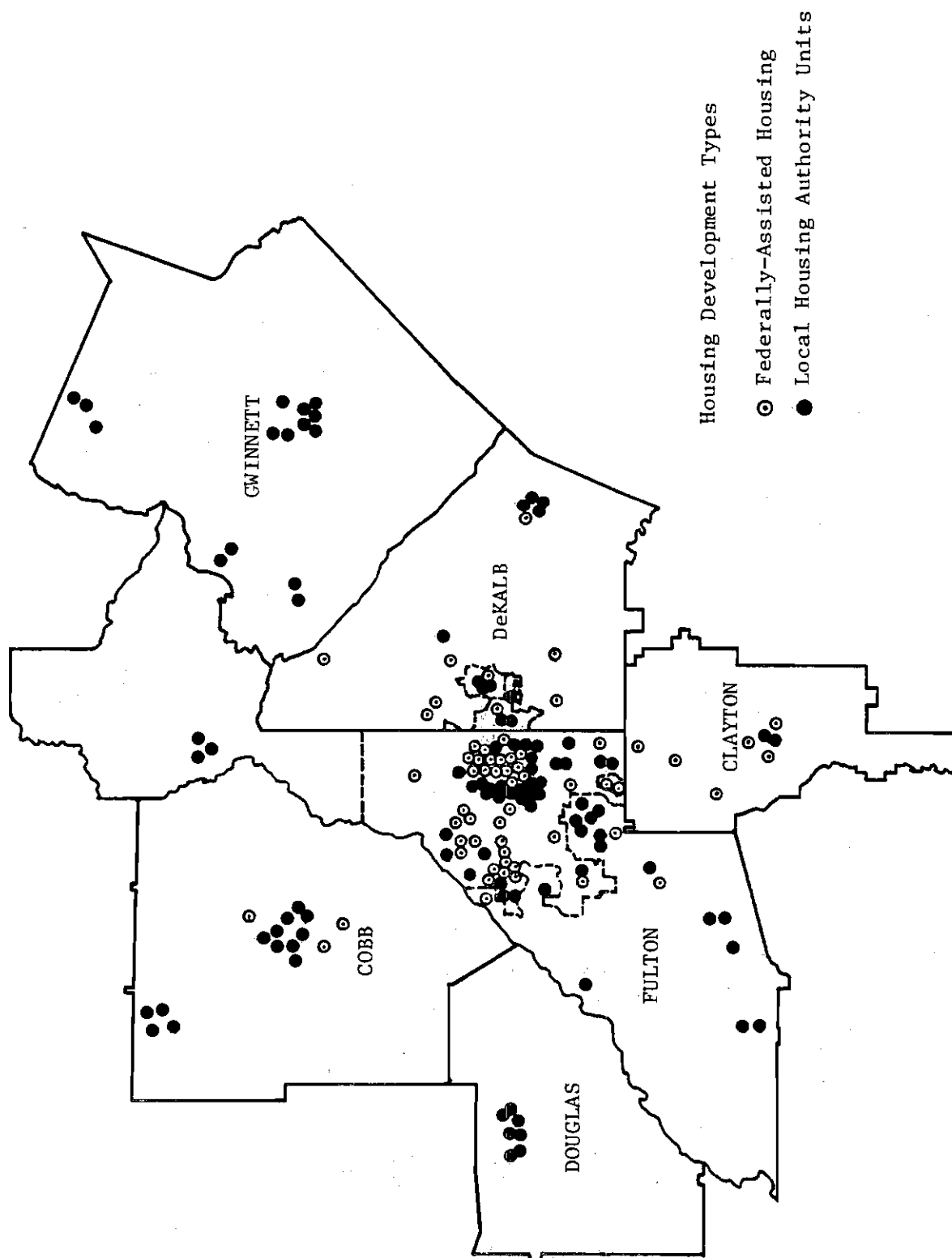


Figure 11. Location of Federally-Assisted and Public Housing Units in the Atlanta Region, 1975⁴⁰

Annexation. Annexation, or the threat of it, by the City of Atlanta has initiated various responses from residents in surrounding unincorporated areas. One of the most effective methods to end the threat of annexation is for an area to incorporate. Under State law, no municipality may annex another except under restricted and unusual circumstances. Additionally, all areas to be annexed must share a common boundary with the expanding city. The incorporation of Chattahoochee Plantation in 1966 achieved both of these objectives. The corporate limits of the city included a strip of land ten feet wide the entire length of the common boundary between Cobb County and Atlanta.

Real Estate Segregative Policies

The sale of housing to blacks has been restricted by the activities of the various boards of realtors in the region as well as by the Georgia Real Estate Commission. None of the region's boards of realtors have adopted the National Association of Realtors' Code for Equal Opportunity in Housing or its Guide for Equal Opportunity in Housing.

The Georgia Real Estate Commission, between 1948 and 1960, suspended or revoked the licenses of black brokers and salespeople who sold homes in white neighborhoods to blacks. At the same time, the Commission took no action to suspend white brokers for discriminatory real estate practices until 1975.⁴¹

Structural Housing Characteristics

The housing units provided under direct federal subsidies in the Atlanta region comprised only 5 percent of the over 614,500 dwelling units existing in 1974. Of the almost 464,500 dwellings that existed in

1970, almost 295,200 or 64 percent were single family units. Douglas and Gwinnett Counties had the highest proportion of single family housing with 81 percent. Atlanta had the lowest proportion, around 45 percent, of its housing stock devoted to such units. This mixture reflects, in part, the more efficient land use demanded by economic considerations in Atlanta than in outlying areas of the region.

Table 31 summarizes the number of occupied housing units by jurisdiction and tenure in 1970. Note that the total occupied units does not equal the above total for units existing in 1970, the difference being vacancies and abandoned housing.

Table 31. Occupied Housing Units by Tenure in the Atlanta Region, 1970⁴²

<u>Jurisdiction</u>	<u>Total Occupied Dwelling Units</u>	<u>Percentage Owner Occupied</u>	<u>Percentage Renter Occupied</u>
Counties			
Clayton	27,917	70%	30%
Cobb	49,818	72	28
DeKalb (outside Atlanta)	110,169	65	35
Douglas	8,245	74	26
Fulton (outside Atlanta)	49,184	61	39
Gwinnett	21,323	73	27
Municipalities			
Atlanta	162,291	39	61
Decatur	7,083	51	49
Marietta	8,667	43	57
Total	444,697		

Housing Starts. Housing units within the municipalities of Atlanta, Decatur and Marietta totaled over 178,000 or 40 percent of the region's total occupied housing. Construction between 1970 and 1974, however, reflected the outward movement of city residents and immigrants as over 133,100 homes were build outside the three cities. This construction

represented 85 percent of the more than 155,600 units constructed during the period. Increased construction costs and a more mobile labor force were reflected in an upsurge of multi-family unit construction. Construction of the multi-family units totaled almost 89,700 units during the four year period, 57 percent of the total residential units constructed. Of the 22,458 units built in the cities of Atlanta, Decatur and Marietta between 1970 and 1974, 92 percent were multi-family units. At the same time, 51 percent of the total suburban units were multi-family residential units. Construction in selected jurisdictions of the region between 1970 and 1974 by structural type is summarized in Table 32.

Table 32. Residential Starts in the Atlanta Region, 1970 - 1974⁴³

<u>Jurisdiction</u>	<u>Total Starts</u>	<u>Percent Single Family</u>	<u>Percent Multi-Family</u>
Counties			
Clayton	19,047	44%	56%
Cobb	27,523	55	45
DeKalb (outside Atlanta)	40,007	35	65
Douglas	4,795	100	0
Fulton (outside Atlanta)	23,091	34	66
Gwinnett	18,683	73	27
Municipalities			
Atlanta	19,419	8	92
Decatur	460	5	95
Marietta	2,579	9	91
Total	155,604	43%	57%

Note: Mobile homes are included in the single family dwelling totals. In Douglas County, 19 percent of the single family units were mobile homes. Five percent of the single family units in Gwinnett County were mobile homes. Other jurisdiction's percentages were Clayton, 3 percent, DeKalb 1 percent, and Fulton 1 percent.

From 1958 to 1972, almost 25,000 residential building permits were

issued in Atlanta. Twelve percent were for single family dwellings and 88 percent for multi-family units. Of the multi-family dwellings, the federal government either partially or wholly subsidized 61 percent of them, or 54 percent of the total residential permits issued during that fourteen year period.⁴⁴ If the federal government had required affirmative action of public housing authorities and private developers before it released construction funds, over one-half of the units built during this period could have been affected by effective open housing policies and expanded the residential opportunities of the region's blacks.

Residential Attitudes Toward Public Housing

In 1971, Georgia State University conducted a survey of the attitudes of the region's residents toward public housing. The survey revealed that 80 percent of the residents questioned favored public housing construction in principle. The difficulty, however, arose when location was discussed. Of those surveyed, 32 percent replied they wanted public housing in their neighborhood, 34 percent would accept it and 35 percent responded they would actively oppose it. The percentage of all homeowners opposed to public housing was 56 percent. Sixty-two percent of the responding white homeowners were opposed to it.⁴⁵

Over 15 percent of the Atlanta population was eligible for public housing in 1975 but were not able to be housed. Assuming these 70,000 residents were statistically represented accurately in the above survey and further assuming that they all would accept public housing in their neighborhood, the percentage of those wanting public housing in their neighborhood and not eligible for it is reduced from 32 percent to

17 percent.

Recently, the Atlanta Housing Authority has begun to disperse public housing throughout its jurisdiction. Public housing has been built in Ansley Park and negotiations are reaching the final phase for construction of units in Midtown. Further, the AHA has taken Fulton County to court in an attempt to construct additional public housing units in the unincorporated portions of the county. An update of the Georgia State survey would be interesting as an indicator of comparison of resident attitudes before the dispersion policy and after its implementation.

Summary. The Atlanta region's housing market is not encouraging for equal opportunity for blacks. Segregation of the races has been accomplished through various methods and agents. Hesitation or refusal by lending institutions of loans to blacks, real estate broker's steering practices, weak leadership from the State and the Atlanta Regional Commission in housing policies and open housing legislation enforcement and lack of an effective and forceful federal housing program have been the influential factors in establishing residential segregation in the region.

Eighty-six percent of new residential construction took place outside of Atlanta, Decatur and Marietta between 1970 and 1974. In the very areas the majority of construction took place, the opportunities for blacks to participate in these expanding housing markets were severely limited.

Federal efforts at the residential dispersion of blacks have

been countered by local governments refusing to accept public housing or federally-assisted housing. Under current federal policies, such housing cannot be forced upon any locality without its approval.

Private attempts at residential desegregation have been hampered by lack of cooperation from realtors, lending institutions, local government (by refusing to implement many of the public services required by lower income residents) and suburban residents directly. Initial policies and investments may be undertaken by public agencies toward open housing, but until the private sector is convinced, either forcefully or voluntarily, that open housing is in its best interest little progress will be achieved.

Chapter Summary

The six county Atlanta region has experienced a tremendous rate of population growth, more than doubling its population since 1950. The availability of transportation access, public services, higher personal incomes and willing lenders have made the geographic expansion of the region possible. The form of this development has been almost completely suburban. Racial discrimination, exclusionary zoning and fiscal restraints, however, have reduced black access to living and working in suburban areas.

The City of Atlanta remains the heart of the region. The immigration of blacks and outmigration of whites, however, have created a sense of isolation between the city and its surrounding parts. While the black percentage of population dropped in the region between 1970 and 1974, it increased to 55 percent of the Atlanta population by 1974.

A reflection of general demographic patterns may be seen in the

ten school systems of the region. The Atlanta system had 80 percent black enrollment in 1974. DeKalb and Fulton County schools adjacent to East Atlanta and Southwest Atlanta, respectively, are becoming predominately black. Conversely, black enrollment in county systems is minimal, with only 4 percent of Cobb County's schools desegregated, that is, with at least 10 percent enrollment of both black and white students in a school. Of the almost 338,400 students enrolled in public schools in the region in 1974, almost 56 percent attended schools 90 percent or more white. Twenty percent attended schools with enrollments of 90 percent or more black children while only 24 percent attended desegregated schools.

Decisions of the courts have established the boundaries within which the region has achieved desegregation in education, housing and employment. Until recently, such judicial decisions virtually ignored the suburban areas of the region, concentrating instead on resolving the region's segregative policies within the City of Atlanta alone. Two most important cases are still undecided, the interdistrict education case and the Atlanta Housing Authority suit against Fulton County. Both of these cases question the past logic of viewing the City of Atlanta as being singularly responsible to provide residential, employment and educational opportunities for the region's blacks.

Local government has established policies which have effectively barred blacks from suburban jurisdictions. Local land use policies and zoning decisions no longer overtly discriminate against blacks. Many such decisions do, however, economically exclude blacks from the residential market, and hence the employment market as well.

The costs of suburban development has begun to arouse residential displeasure over higher taxes and reduced services. The imbalances created by private and public policies designed to maintain an artificial situation of residential and employment segregation has led to more whites being unable to purchase homes, having to drive further to work and having to depend on an increasing number of districts and jurisdictions for services.

Between 1970 and 1974, 86 percent of the region's new residential construction was built outside of Atlanta, Decatur and Marietta. The chance for blacks to take advantage of these expanded opportunities was severely limited by private discriminatory actions and fiscal land use controls. Of the over 22,400 housing units constructed in these three cities between 1970 and 1974, 92 percent were multi-family units. During the same period, 51 percent of the suburban residential units were multi-family.

The City of Atlanta contained 81 percent of the region's public housing and 71 percent of the federally-assisted housing (Sections 202, 221(d)3 BMIR and 236) in 1975. As a result of these public and private actions, the City of Atlanta has become the only alternative for housing for most blacks and many lower income whites.

The lack of suburban residential opportunities for blacks has forced many blacks to remain in crowded and often substandard central city housing. Aside from the health and public safety aspects of higher density residential areas, these residents are all but excluded from the economic mainstream of the region. A result of this maldistribution of the labor force is that unemployment rates among blacks are more than

twice as high as the white rate. The labor mobility for blacks is also reduced and chances of blacks earning higher wages are reduced with fewer job opportunities.

A broad based effort is required to modify governmental, private and individual policies toward blacks. To initiate action for the reduction of racial segregation, mandatory methods more than likely will be required.

Recommendations toward achieving the goals of the redistribution of population, economic opportunity and educational resources for the Atlanta region are found in Chapter VI. Until these goals are achieved, the efficiency and effectiveness of government in the region will be reduced and the opportunities for the region's residents will be limited.

Reference Notes

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2. ARC 1 and Census 1950, 1960, 1970, various pages.
3. ARC 1, 15-18.
4. ARC 1, various pages.
5. Original illustration by author. Base census tract information from Atlanta Regional Commission reallocation of 1950 census tracts into 1960 tract boundaries.
6. Original illustration by author. Base census tract information from Census 1960.
7. Original illustration by author. Base census tract information from Census 1970.
8. Original illustration by author. Base census tract information from ARC 1.
9. Appreciation is extended to William W. Nash of Georgia State University for his assistance in formulating the criteria used in defining the districts. Refer to Appendices V and VI for comparative tables of the districts' populations for 1960, 1970 and 1974.
10. Compiled from Census 1960 and 1970. Refer to Appendices VII and VIII.
11. Compiled from Census 1960 and 1970.
12. Compiled from unpublished tabulation sheets of Student ADA by School System for the State of Georgia. Provided by the Georgia Department of Education, Statistical Services, 1975.
13. Based on tabulation sheets of Student ADA by School System for the State of Georgia and school capacity figures from the State Comprehensive Planning Division criteria for school systems, 1975.
14. Original illustration by author. School location information obtained from respective school districts. Racial composition derived from unpublished Compliance Form 102, October 15, 1974 for each school in the region. Provided by the Department of Health, Education and Welfare, Atlanta Regional Office.

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24. Margie Pitts Hames, "Motion to Substitute Plaintiffs' Amended and Substituted Complaint," September 30, 1975, 6-13. (Reference Hames hereafter).
25. Hames, 17.
26. Hames, 24.
27. Hames, 27,30,31.
28. The Atlanta Regional Commission, A Profile of Local Governments, Atlanta: The Atlanta Regional Commission, 1975, 12. Major services include zoning, fire and police protection, garbage collection and disposal, recreation, water distribution, sewer system and sewage treatment, public housing, public library and civil defense.
29. The Atlanta Regional Commission, Fiscal Impact Model for Evaluation of Public Service Costs and Revenues, Atlanta: The Atlanta Regional Commission, 1974, 11. (Reference ARC 2 hereafter).

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30. ARC 2, 12,14,19.
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32. Comments made by State Representatives Sidney Marcus, Billy McKenney and Bob Holmes during an Atlanta 2000 Town Hall Meeting, December 14, 1976.
33. Compiled from unpublished Low Rent Project Directory S-101 and Local Authority's Rental Rate Schedule, 1975, provided by the Department of Housing and Urban Development, Atlanta Regional Office and contact with directors or their representatives of the region's local housing authorities.
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45. Research Atlanta, vi.

CHAPTER V

SUMMARY AND CONCLUSIONS

The elements leading to the achievement of the redistribution of population, economic opportunity and educational resources are complex, varied and far-ranging. Important representative information and discussion from each chapter have been brought together and summarized in this chapter to more easily analyze the hypotheses presented. The conclusions, an analysis of the summary findings and their relation to the three goals of redistribution, are the basis for the recommendations and implementation strategies presented in Chapter VI.

Summary Findings

Chapter I

- By 1970, over 73 percent of the United States' population was living in urban areas.
- The percentage of metropolitan residents living in suburban areas had risen to 57 percent by 1974. The suburban labor force totaled 35.4 million in 1974 and the central city labor force was 26.9 million.
- In 1970, 74 percent of the blacks in this country lived in SMSA's. Of these, 58 percent lived in the cities and 16 percent in the suburbs.
- An average black family's income in 1973 was 60 percent of an average white family's income.
- The aggregate income of all families entering and leaving cities in 1973 resulted in a \$29.6 billion net loss for the cities.

Chapter II

- Although public education is a national priority, its implementation and effectiveness are generally dependent upon the characteristics and desires of the local jurisdiction where it takes place.
- No group has mounted a widespread and unified attempt at removing some of the barriers between city and suburb.
- For blacks to gain any real advantage by interacting with whites, blacks must share power and influence the decision-making process.
- Christine Rossell's study of 86 northern school districts found that substantial white flight occurred before school desegregation took place. This flight was caused by fear of the change and not the change itself.
- The benefits of a desegregated education are not agreed on, but many studies indicate that black students do make better educational gains in a racially and socially mixed situation than if segregated. In such situations, white students do not educationally suffer.
- By March 1972, 69 percent of the Americans polled opposed desegregation by busing in their community. In another poll, 52 percent of the blacks polled favored busing as a means to achieve racial balance and opportunity.
- Education is a highly political process and should be recognized as such.

Chapter III

Education.

- Education is considered a filtering process, rewarding those who adhere to acceptable norms and negatively responding to those unable or unwilling to likewise conform.
- The home is the primary influence on a child's education. The work of the school, even if positive, can be effectively negated by peer associations or disinterest in the home.

Courts.

- In 1954, the Supreme Court declared that "separate but equal" had no place in education but in subsequent decisions left no doubt that desegregation did not mean integration.

- As early as 1963, the Supreme Court recognized the relationship between educational segregation and residential segregation but did nothing to remedy both.
- The neighborhood school concept has never been radically changed and was not effectively challenged until 1971.
- In 1973, the Supreme Court wrestled with the distinctions of de facto and de jure segregation but still maintained a judicial definition for each.
- The first interdistrict remedy to racial segregation affirmed by the Supreme Court in education occurred in 1975. The case involved Wilmington, Delaware and had originated in 1957.
- In 1976, the Supreme Court ruled that once Pasadena, California had complied with the District Court order to desegregate its schools, the district had no further obligation to maintain a racially neutral system by yearly adjustments to school attendance zones if racial changes were caused by de facto actions.
- Judicial interpretation of governmental involvement in private segregative practices has expanded to include restaurant facilities, community parks, swimming pools, employment opportunity, home sales and rental, and private associations.
- Dispersion of public and federally-assisted housing has been argued before the Supreme Court several times with no clear cut judicial direction apparent.

Local Government.

- Fragmentation of local government has been in response to needs by the people and their desire to maintain local autonomy.
- By 1972, almost 30 percent of all local governments were special districts.
- Use of the special district maintains locally provided services but the control of such services is not in the hands of elected local officials.
- Per capita expenditures between 1950 and 1970 have increased 207 percent for cities, 174 percent for local governments, 187 percent for the states and 173 percent for the federal government.
- The development that has taken place in the United States has basically been unplanned but has led to the situation desired by those who controlled it.

- Redistribution of resources is a requirement for the suburbs as well as the cities because of massive investments necessary to support the new population migrating from the cities.

Open Housing.

- The issue of open housing caused many whites to abandon their support of the desegregation of schools by blacks.
- A combination of local, state and federal governmental and private policies have established and perpetuated residential segregation patterns.
- Zoning and other land use devices have become instruments of exclusion for apartments and higher density housing. This reduces the residential opportunities for blacks and lower income whites to live in such areas.
- Without federal subsidies, 58 percent of all white families and 78 percent of all black families in 1974 could not afford to purchase a home selling for \$36,000, the median price of new home construction that year.
- Real estate brokers mirror the desires of the majority of their clients in dealing with residential opportunities for blacks.
- Lending institutions historically have required higher employment and income standards for blacks than whites to borrow residential mortgage money.
- Public housing often has led to further concentration of blacks in the central city because of suburban jurisdictions refusing to accept it.
- Municipal expenditures are affected more by municipal size and rate of growth than by the types of housing constructed, according to a recent New Jersey study.

Chapter IV

- The population of the six county Atlanta region had risen to over 1.62 million by 1974.
- The percentage of blacks in the region has dropped from 24 percent in 1960 to 22 percent in 1974. During the same period, the percentage black increased from 37 percent to 55 percent in the City of Atlanta.
- In 1974, 82 percent of the region's white residents lived in census tracts that were 90 percent or more white. Fifty-five percent of the black residents lived in census tracts that were

90 percent or more black.

- Between 1960 and 1970, there was a 49 percent increase in employment in the region and a 37 percent population increase.

- In 1970, 25 percent of the black families in the region made \$10,000 or more and 54 percent of all families made \$10,000 or more, representing increases over 1960 of 23 percent and 37 percent, respectively.

- Public school average daily attendance increased 164 percent between 1950 and 1974, totaling almost 306,800 students in 1974.

- Of the region's 488 public schools, 48 percent had 90 percent or more white students enrolled, 22 percent had enrollments of 90 percent or more black students and 30 percent had enrollments of at least 10 percent of both black and whites students in 1974.

- Only 24 percent of the region's public school students attended schools with at least 10 percent of another race in 1974.

- In 1974, over \$321 million was spent by the ten school districts in the region on education.

- Nearly 19,000 students, or over 5 percent of the region's almost 338,400 students, were enrolled in private schools in 1974.

- The District Court in 1971 found that Atlanta's residential segregation was a fundamental cause of the city's school segregation problem.

- In 1971, the Atlanta Housing Authority won a court battle to build two public housing developments in unincorporated Fulton County.

- Further efforts by the Atlanta Housing Authority to disperse public housing have been hampered by the creation of local housing authorities in surrounding jurisdictions. The authority has, however, continued its dispersion policies with a court suit against Fulton County to construct additional housing in the county.

- The residents of the Atlanta region are governed, served and controlled by 105 public and semi-public units of government.

- Per capita service costs in 1970 in the region ranged from \$54 in unincorporated Gwinnett County to \$190 in Atlanta. The range and level of services also varied considerably in the region.

- Owner occupancy of local housing units ranged from 39 percent in Atlanta to 74 percent in Douglas County in 1970.

- In 1975, Atlanta contained 81 percent of the region's public housing units and 70 percent of the region's federally-assisted housing (Sections 202, 221(d)3 BMIR and 236).
- During the period 1970 - 1974, 85 percent of the 155,600 housing units constructed in the Atlanta region were outside the cities of Atlanta, Decatur and Marietta.
- Of all the units constructed, 57 percent were multi-family units. Of the residential units constructed in Atlanta, Decatur and Marietta 92 percent were multi-family and 51 percent of the suburban total housing production was multi-family.
- The federal government, between 1958 and 1972, partially or wholly subsidized 54 percent of all the residential structures built in the Atlanta region.
- Policies evident nationally such as redlining, lending institutions discriminating against blacks, real estate brokers' tactics of steering and other discriminatory actions exist in the region.

Conclusions

Each of the representative summary statements contributes to the current situation within which the three goals of redistribution must occur. While analysis is a subjective sorting mechanism, certain factual materials have been presented which are basic to the desegregation of public education. The conclusions are an analysis of these basic issues related to the goals of the redistribution of population, economic opportunity and educational resources.

The rapid immigration and consequential concentrations of people in urban regions created the need for intensive service facilities and activities. More recent patterns of movement, however, have not been geographically balanced in urban regions. A steady suburban migration has required counties and outlying municipalities to provide additional services facilities while the outmigration from many cities has caused

existing services to be underutilized.

This suburban development also has affected the geographic distribution of blacks and whites. Blacks have not had equal access to suburban housing because of racial discrimination and many have no residential or employment opportunities outside the central city. This restricts the incomes of many black families and the educational opportunities for their children. Additionally, these racial patterns have resulted in many cities having a disproportionate share of lower income residents which creates additional demands on the fiscal resources of the city.

Federal, state, regional and local programs have an effect on the policies of local governments. Yet, there exists no framework for the long term coordination of policies to achieve racial desegregation and financially and environmentally sound growth. In several regions, metropolitan reorganization leading to consolidation or annexation of suburban white populations with central city blacks has not gained widespread support from either blacks or whites. Many central city blacks do not want to release majority power of the city and put themselves at the mercy of suburban whites. At the same time, many suburban whites want only minimal contact with the city and certainly do not want to become part of something they probably had abandoned before. Expansion of suburban housing, employment and educational opportunities for blacks with this opposition is not likely to succeed.

The State is in a position to actively and positively affect social changes and desegregation by requiring equal access and opportunities for all residents. The fundamental powers of regional, county

and municipal bodies are derived from the State and act as state agents. In 1972, almost one-third of all local expenditures came from federal or state sources, with much of it under direct or indirect control of the State. Substantial concessions could be required of local government by the State to promote desegregation in return for these allocations.

Initial action would be required by the federal government toward the states to require their various legislatures to adopt and enact policies insuring equal opportunity. The federal government has the power to require compliance with equal opportunity regulations by its position of financial backer of an increasing number of local programs. Revenue sharing and the community development public works funding programs are but two of the more recent comprehensive funding programs enacted by the federal government that affect local actions.

Regional agencies have the ability to require local jurisdictions to consider taking part in a regional housing allocation plan through the 1974 Housing and Community Development Act. The A-95 review process affords regional agencies the opportunity to comment on residential developments in local jurisdictions as they relate to the goals of the regional development plan. If the desegregation of the residential and economic opportunities was a goal of the plan, each of the localities would have to address it in their local decisions and resource provisions if they applied for federal aid.

The local government level is the most important because of its close relationship to its residents and because it usually is charged with implementation of federal and state policies. Many suburban counties

have been unable to fulfill the service demands of their expanding populations, so residents have established special districts to meet their particular needs. While special districts provide effective service delivery, they tend to fragment the region and compete for the tax dollars of an area's residents.

Local control over zoning, housing standards and codes and the location of subsidized and public housing form the basis for suburban strength in resisiting blacks. Once an area is developed, political fragmentation and local controls make it difficult to change that area's character and values. In other words, these controls give suburban residents the ability to separate themselves from what they consider undesirable neighbors. Again, residential, economic and educational opportunities for blacks are limited by such actions.

While rent supplements usually improve the quality of housing for lower income residents, unless more lower cost housing becomes available in suburban areas, such supplements would have to be used in the central city. This strategy does little to better distribute residents from current racial and economic concentrations in central cities to a more heterogeneous pattern throughout the region.

Suburban areas have a growing influence on the destiny of central city residents because of the still expanding suburban population. Through the legislative process, control of the very resources that central cities require increasingly will be in the hands of suburban interests. If suburban policy-makers do not realize the regional interdependency of localities, the decisions they make could be based on racial or economic

prejudice and ignore the vital issues affecting the welfare of urban regions. Such policies might not only reduce the suburban opportunities for blacks but reduce the service and environmental qualities of the region.

Reliance on the court systems to remove the barriers of discrimination is a slow and tedious process. Court hearings span long periods of time and even after decisions are rendered, local officials and agencies may minimally carry out the letter of the decree but have none of its spirit. The effects of such implementation are more delays, more court hearings and perhaps death of the project because of loan charges and changing population patterns and market conditions over the protracted judicial period of resolution.

Despite widespread gains by blacks in economic, educational, recreational and other opportunities, equal access to housing has not been attained. Housing represents a symbol of status, as well as a sizeable investment for many Americans and equal opportunity will not come before a re-evaluation of currently held values by suburban whites takes place.

Each step toward reducing segregation often appears as though it moves sideways instead of forward. However, through a series of planned policies, responses and redresses a positive course of action may be achieved. This action may be slow but it nonetheless moves forward toward the ultimate three goals of redistribution. No one strategy is going to work, for a number of complimentary and successive strategies are required. These are recommended and discussed in Chapter VI.

CHAPTER VI

RECOMMENDATIONS FOR IMPLEMENTATION OF PROPOSED POLICIES AND PROGRAMS

The recommended actions are designed to achieve the redistribution of population, economic opportunity and educational resources. The primary method to attain these redistributive goals is to increase suburban equal opportunities for blacks. Equal opportunities and the needs of the blacks in central cities and established suburban black communities, however, must also be maintained and expanded.

The recommended policies are grouped into three phases. Each phase gradually modifies existing public and private policies and attitudes and builds on the accomplishments of preceeding phases. An entire phase, however, need not be completed before actions of the next phase commence. The recommendations are diverse in nature and scope, requiring varying supportive actions for acceptance and implementation. Particular actions, therefore, may occur in various sequences in each of the three phases.

Phases

The Compliance Phase is the initial phase. This phase emphasizes the implementation and enforcement of current (primarily federal) legislation and regulations. In the next phase, the Transition Phase, actions are revisionary in nature. They expand current policies to reduce segregation and create the necessary situation for the implementation of

proposed future actions. The final phase is the Structural Phase. Actions in this phase will require the fundamental redistribution of powers and major involvement by regional government in local situations.

While individual and group acceptance of the recommended actions are necessary and desirable for the actions' long term success, mandatory initiation and enforcement of the actions is required. Local government and residents have been hesitant to initiate new patterns of interaction and activities unless stimulated by external force. Therefore, these recommendations rely on federal persuasion to force changes in the policies of state and local government and private entities.

This reliance on federal legislation and enforcement appears to be the most realistic strategy to achieve the redistribution of population, economic opportunity and educational resources. There are three principle reasons for this. First, existing federal legislation and nondiscriminatory regulations are the most comprehensive and widespread standards promoting equal opportunity in the United States. Additionally, more local programs are being funded by federal monies. Thus, federal nondiscriminatory provisions are enforceable in an increasing number of state, regional and local governments. The final element is judicial interpretation. The use of federal financial assistance and involvement has been expanded by local governments. This increased federal involvement more than likely will lead the courts to define more "private" segregative actions as de jure segregation, thereby placing such actions under court remedy.

The recommended actions are listed by phase and are related to the three goals of redistribution in Table 33.

Table 33. Recommended Actions for the Achievement
of the Redistributive Goals

<u>Recommended Actions</u>	<u>Redistributive Goals</u>		
	<u>Popu- lation</u>	<u>Economic Opportunity</u>	<u>Educational Resources</u>
<u>Compliance Phase</u>			
Enforce Federal Grant Requirements	P		S
Litigation of Zoning	P	S	S
Litigation of Public Housing Location	P	S	S
Litigation of School Desegregation	S		P
<u>Transition Phase</u>			
Affirmative Action in A-95 Review	P	S	S
Establish Community Development Funding Priorities	P	S	S
Reduce Dependency of Education on Local Property Taxes	S	S	P
Redistribute Tax Revenues	P		S
Establish State Zoning Appeals Board	P	S	S
<u>Structural Phase</u>			
Require Expanded Housing Opportunities with Expanded Employment Base	P	S	S
Institute Housing Allocation Plan	P	S	S
Establish Regional Education Authority	S	S	P

Note: P signifies the primary effect of a recommended action on a goal.
S signifies a secondary effect on another goal or goals.

Analysis of Recommended Actions

A series of recommended actions which achieve the three goals of redistribution are analyzed in the following discussion. The analysis deals with the significance of the primary effects of the action, its rationale and inducements to adopt and implement each of the recommended actions.

Compliance Phase

The implementation and enforcement of existing (primarily federal)

nondiscriminatory legislation and regulation are the objectives of this phase. The successful implementation of future recommended actions depend, in part, on successful implementation of current nondiscriminatory provisions. This will provide a standard basis for future actions and help to establish enforcement relationships among various levels of government.

Enforce Federal Grant Requirements. A consistent national policy must exist for federal grant requirements for nondiscriminatory provisions. This recommended action would establish a central agency by executive order within the Department of Justice to enforce federal grant requirements. The agency would be responsible for the enforcement coordination of all federal programs. Existing enforcement sections in federal agencies would then come under the direction of the central agency.

Litigation of Zoning. The key point of a judicial argument of public involvement in segregation is the extent to which such policies can be held responsible for the segregative activity. With increased public aid to localities and a general expansion of governmental activities and intervention in local decision-making, courts are going to be hard pressed to ignore a government's overt or covert funding and policy role in "private" actions.

A coordinated litigation effort led by the American Bar Association in state courts against local governments appears to be the most effective method of modifying exclusionary land use policies. The effectiveness of such broad-based and continuing litigation may be seen in the positive results of the N.A.A.C.P.'s efforts in desegregation and the Sierra Club's and Environmental Defense Fund's judicial victories for the preservation of

the environment.

Litigation of Public Housing Location. Judicial acceptance of the concept of regional housing opportunities for blacks instead of limiting their housing opportunities to the central city could assist in the dispersion of public housing in a region.

The initiative to disperse public housing may be taken by public housing tenants, as in Chicago, or a housing authority itself, as in Atlanta. An opportunity for a comprehensive review of public housing location in suburban areas is in a section of the 1974 Housing and Community Development Act.

The "Expected to Reside" section of the 1974 Act requires jurisdictions to estimate the number of low income dwellings that could be expected to be built in their locality based on certain criteria. Such estimates are required by HUD from all localities applying for community development funding to insure inclusion of such opportunities in the regional plans. If a jurisdiction is found to be in violation of the 1974 Act or the 1964 Civil Rights Act, federal community development funding may be withheld. Action to insure that the "Expected to Reside" section is included by communities could be initiated by HUD through funding cut-offs or by a city taking court action against suburban jurisdictions, as in Hartford.

Litigation of School Desegregation. Public school desegregation litigation should be comprehensive, related to zoning, housing and employment opportunities. The litigation should plan toward the natural desegregation of schools, i.e., desegregated neighborhoods lead to desegregated schools. An example of such an approach is the current A.C.L.U. court suit involving ten Atlanta school districts. Such cases should relate past

public suburban and city policies which have excluded blacks from full residential and educational opportunities throughout the region with the plight of black concentrations in the city.

Transition Phase

The actions in the Transition Phase revise current practices and policies. The emphasis shifts from compliance with federal regulations and requirements to a more direct involvement of regional agencies in local situations. In this phase, local policies are modified by recommended actions to reflect regional concerns and relationships.

Affirmative Action in A-95 Review. Policy directives must be adopted on the federal level, then implemented and enforced by regional review agencies. Many A-95 review agencies have not utilized all of the far-reaching powers given them by the Office of Management and Budget (OMB) in the past. As more emphasis is placed upon the review agencies as implementors, however, the agencies are anticipated to become more aggressive in their duties. Additionally, the increasing federal fiscal involvement in local public works projects will enable a regional authority to exert influence toward implementation of a regional plan by localities.

Recommended review policies should be clearly established by the OMB in the future which will require the withholding of federal funding from localities that do not provide for equal residential opportunities for blacks. It is recommended that the A-95 agency, when finding noncompliance among its localities, will divert funds from those localities to the communities in the region that will meet the standards.

Federally-assisted housing location is subject to A-95 review. Recent HUD programs have deemphasized large projects. HUD programs, such as Section 8 leased housing, scattered site rehabilitation units and Sections 235 and 236, have, however, reduced the number of projects eligible for A-95 review. To assure blacks full regional housing opportunities, the minimum number of units eligible for A-95 review is recommended to be reduced. In projects with HUD mortgage plans, the number of units under this proposal will be reduced to five lots; in multi-family HUD projects the minimum number of units will be ten; and for HUD-assisted mobile home courts, the minimum number will be dropped to ten spaces to become eligible for A-95 review.

Establish Community Development Funding Priorities. Overall uniform requirements for community development will be established by the federal government with each state community development agency bound to maintain minimum required standards of priority. The most important additional requirement for community development funding priorities will be the recommended affirmative policies of local jurisdictions toward blacks. A measure of the degree of local commitment would be the existence of the opportunity for low and moderate income housing in the jurisdiction's land use plan.

In allocating funding, the state community development agency, in response to federal directives, would assign communities with no low or moderate income housing plan a lower priority for funding. Jurisdictions with such plans would receive a high priority by the state for funding.

Reduce Dependency of Education on Local Property Taxes. The importance of the property tax for educational financing more than likely will

be diminished in the future. Reasons for this include increasing taxpayer resistance to higher taxes, a probable continuation of increased federal and state aid for education and possible court re-evaluation of the property tax as a discriminatory educational funding device.

In response to increased and expanded federal participation in educational funding, the states will adopt initial educational policy changes under these recommendations. These policy changes will assist local districts to more effectively use educational facilities, take advantage of federal grants and achieve a more equitable redistribution of state aid to local school districts.

Current policy directives in Georgia, for example, allow local school districts to accept students from other districts with the consent of all participating districts. A recommended policy expanding this directive will better utilize existing school facilities. The state will offer a bonus factor to a school district that accepts transfer students from a minority race under these recommendations. As an example, each transfer student would be counted as 1.1 enrolled students if comprising less than 5 percent of the receiving district's enrollment. The bonus would increase to 1.25 enrollment students if the receiving school district's total transfer students totaled more than 5 percent of enrollment.

In the future, to encourage local districts to apply for federal grants, the state will match on a two-to-one basis all federal monies granted to school districts. This will further reduce the local dependency on the property tax while extending federal equal opportunity requirements into more school districts.

Redistribute Tax Revenues. The sharing of fiscal resources between city and suburban jurisdictions is recommended to be adopted by state legislative action. The redistribution of intraregional taxes among localities, such as in Minneapolis, could have important regional benefits. These benefits include a better redistribution of revenues among local jurisdictions and better equalizing the fiscal resources between city and suburb. Secondly, these actions could reduce the tendency for exclusionary land use policies in suburban areas. This reduction is anticipated because of the increased revenue base from which jurisdictions will be able to share.

Under this recommended action, the state will require that one-third of all local revenues be given to a state agency which will redistribute the funds within the region according to standards and needs established by the state.

Establish State Zoning Appeals Board. The appeals board would have the power of review over local zoning cases dealing with housing and employment opportunities for blacks. The A-95 review agency will act as the initiator of the appeals process by recommending review of particular local zoning decisions to the state board.

The rationale of the board makes sense in light of increasingly restrictive federal funding equal opportunity requirements. By acting as the final review authority, the state will be able to assure the federal enforcement agency that a comprehensive and uniform situation of equal opportunity will exist for blacks throughout the state.

Structural Phase

The Structural Phase recommended actions are designed to achieve the

redistribution of population, economic opportunity and educational resources. The actions require the redistribution of powers and major involvement by regional government in local activities. While regional objectives and mandates are required in this phase, local jurisdictions, nonetheless, will retain local controls within the regional objectives and guidelines.

Require Expanded Housing Opportunities with Expanded Employment Base. Under recommended future federal funding requirements, localities requesting community development funding or other federal aid programs for projects required by expanded employment opportunities will be required to provide housing opportunities for workers under this recommendation. Administered by the A-95 review agency, this policy will distribute future residential and commercial development throughout a region, expand suburban housing and employment opportunities for blacks and lessen the fiscal imbalance between "bedroom communities" and jurisdictions with commercial and industrial concentrations.

Institute Housing Allocation Plan. An extension of the expanded housing opportunity with expanded employment base policy, the regional housing allocation plan (RHAP), will institutionalize regional housing cooperation. The RHAP will require that each jurisdiction in a region provide housing for their fair share of the region's black residents. It is recommended that the A-95 agency implement and enforce the RHAP, a product of future federal legislation and court decisions defining housing opportunities for blacks as a regional concern.

Factors to be considered in the RHAP's allocation of future housing opportunities will be the population of each jurisdiction, income distri-

bution of the residents, racial composition, residential density, existing housing needs, developable land, employment opportunities, capacity of educational and service facilities, community development funding requests and the fiscal stability of the local government unit.

Establish Regional Education Authority. Increased federal assistance in education, judicial interpretation of de jure segregation and steadily increasing educational costs will more than likely force states to adopt regional education authority (REA) legislation.

Model REA state legislation would establish a two-tier educational system. The REA under this recommendation will provide the basic objectives and guidelines for the region's educational operation. Existing school districts will become divisions of the REA, serving as the implementing tier on the local level. The schools would remain under local control with local boards of education elected in the various jurisdictions. The divisions will be able to respond to the policy statements of the REA and choose their own methods of implementation as long as the methods do not conflict with the REA's objectives and guidelines.

The duties of the REA will be the redistribution of local educational revenues in the region, coordination of facilities usage, development and operation of educational alternative centers and allocation of state educational contributions. The boundaries of the REA will be coterminous with the A-95 review agency boundaries to insure regional coordination of community development funding and residential and employment opportunities with educational resources.

The administration of the REA will be handled by dividing a region into four zones. Each zone would include from four to six divisions. The

zones will be drawn up to include portions of at least three existing school systems, one of which must be a portion of the dominant central city system.

One of the incentives offered by the REA will be the development and operation of specialized education alternative centers in each of the divisions. Each division would have one alternative elementary center and each of the four zones would have two middle or senior high school alternative centers. The nature of the alternative center will be determined by the residents of each zone and district, the REA and the local school division.

Concluding Remarks

The strategy of the recommended policies has been to initiate action on the policy level and then sufficiently modify the political structure to adequately administer, implement and accept the policies. The actions, though primarily mandated by federal requirements, are seen as establishing a future situation in which individuals may determine their own course of actions within a system of equal opportunity.

APPENDIX I

Interregional Migration by Race, 1970 to 1974

Migration Status and Race	Region (migrants in thousands)			
	Northeast	North Central	South	West
All Races				
Immigrants	1,035	1,800	3,377	2,141
Outmigrants	1,993	2,512	2,312	1,536
Net Migration	- 958	- 712	1,065	605
White				
Immigrants	930	1,692	3,055	1,913
Outmigrants	1,799	2,284	2,041	1,466
Net Migration	- 869	- 592	1,014	477
Black				
Immigrants	88	96	276	172
Outmigrants	143	199	241	49
Net Migration	- 55	- 103	35	123

Source: United States Department of Housing and Urban Development.
1974 Statistical Yearbook, p.225.

APPENDIX II

Population of the United States by Type of Residence and
Race, 1974 and Percentage Change, 1960 - 1974

<u>Residence and Race</u>	<u>Population in 1974 (in thousands)</u>	<u>Percentage Change 1970 - 1974</u>	<u>Percentage Change 1960 - 1970</u>
Total	208,105	4.1%	13.3%
Metropolitan Areas	142,223	3.8	16.6
Central cities	61,836	-1.7	6.5
Outside central cities	80,386	8.4	26.7
Nonmetropolitan Areas	65,882	5.0	6.8
White	181,503	3.6	11.9
Metropolitan Areas	121,875	2.5	14.0
Central cities	46,758	-4.4	0.1
Outside central cities	75,117	7.3	26.1
Nonmetropolitan Areas	59,628	5.8	7.8
Black and Other Races	26,602	8.4	24.3
Metropolitan Areas	20,347	12.3	36.9
Central cities	15,078	8.0	36.5
Outside central cities	5,269	26.9	38.1
Nonmetropolitan Areas	6,255	-2.6	-1.6

Source: United States Department of Housing and Urban Development.
1974 Statistical Yearbook, p.224.

APPENDIX III

Selected Per Capita Educational Aid From States to Metropolitan Areas, 1970

<u>Standard Metropolitan Statistical Area</u>	<u>State Aid to</u>		<u>Ratio of City Aid to Outside City Aid</u>
	<u>Central City School District</u>	<u>Schools Outside Central City</u>	
Newark	\$ 84	\$ 39	215
Chicago	63	56	113
Detroit	95	89	107
Baltimore	75	81	93
Atlanta	69	79	87
Houston	56	70	80
New York	101	137	74
Dallas	46	65	71
Boston	24	39	62

Note: Ratio of central city to outside central city aid was derived by dividing central city aid by outside central city aid. As an example, for Newark \$84 divided by \$39 equals 215.

Source: Robert Pettengill. Can Cities Survive?, p.74.

APPENDIX IV

Trends in Federal and State Aid to Cities, 1942 - 1972

Fiscal Year	Amount (in millions of dollars) from			Federal and State Aid As Percentage of Total
	City Revenues From Own Sources	Federal & State Aid	Total General Revenues	
1942	\$ 2,620	\$ 491	\$ 3,111	16%
1960	9,326	2,321	11,647	20
1970	18,715	7,906	26,621	30
1972	23,502	11,434	34,937	33

Federal and State Aid As A Percentage of Total
Expenditures for Selected Cities, 1970

City	Per Capita Federal and State Aid	Percentage of Total Expenditures
Baltimore	\$329	52%
New York	385	43
Boston	224	42
Detroit	189	40
Newark	276	38
Chicago	146	31
Houston	61	20
Atlanta	97	18
Dallas	54	15

Source for both Tables: Robert Pettengill. Can Cities Survive?, p.118
for top table and p.73 for lower table.

APPENDIX V

Total Population of the Atlanta Region by Study District,
1960 - 1974

Study District	1960		1970		1974	
	Total Residents	Percent of Region	Total Residents	Percent of Region	Total Residents	Percent of Region
10	280,264	27%	218,570	15%	192,547	12%
20	146,635	14	257,145	18	269,976	17
21	106,150	10	137,511	10	140,343	9
22	39,506	4	44,103	3	44,955	3
23	86,389	8	88,146	6	95,839	6
24	64,081	6	97,563	7	102,230	6
25	45,882	4	68,955	5	69,938	5
30	18,002	2	38,825	3	71,145	4
31	17,166	2	40,275	3	68,653	4
32	28,039	3	65,469	5	74,672	5
33	14,499	1	26,619	2	37,900	2
34	17,154	2	43,443	3	49,586	3
35	80,783	8	136,536	10	181,158	11
40	25,914	3	34,704	2	46,910	3
41	5,135	0	8,284	1	16,076	1
42	9,657	1	30,003	2	53,339	3
43	3,284	0	4,170	0	4,575	0
44	26,289	3	49,373	3	70,756	4
45	19,000	2	26,942	2	33,192	2
Total	1,033,829	100%	1,416,546	100%	1,623,700	100%

Source: Author's own computations from Bureau of the Census information for 1960 and 1970 and the Atlanta Regional Commission for 1974.

APPENDIX VI

Black Population of the Atlanta Region by Study District,
1960 - 1974

Study District	1960		1970		1974	
	Total Residents	Percent of Region	Total Residents	Percent of Region	Total Residents	Percent of Region
10	149,881	64%	131,432	42%	118,924	32%
20	7,732	3	7,126	2	7,238	2
21	6,221	3	34,086	11	56,635	15
22	6,257	3	9,282	3	17,898	5
23	9,828	4	8,266	3	28,010	8
24	23,639	10	79,333	25	91,693	25
25	2,513	1	1,838	1	1,685	0
30	1,539	1	1,493	0	1,529	0
31	3,427	1	3,511	1	5,127	1
32	3,088	1	2,850	1	3,200	1
33	2,636	1	2,616	1	5,106	1
34	839	0	16,429	5	20,424	5
35	5,888	3	6,241	2	6,345	2
40	2,478	1	2,590	1	2,490	1
41	475	0	552	0	531	0
42	1,666	1	1,783	1	1,967	1
43	1,225	1	1,283	0	1,298	0
44	3,656	2	4,071	1	3,663	1
45	1,151	0	1,214	0	1,237	0
Total	234,139	100%	315,996	100%	375,000	100%

Source: Author's own computations from Bureau of Census information for 1960 and 1970 and the Atlanta Regional Commission for 1974.

APPENDIX VII

Annual Family Income Distribution, 1960

DISTRICT	ALL FAMILIES				UNDER \$5,000				\$5,000-\$9,999				\$10,000 AND OVER			
	TOTAL	%	BLACK	%	TOTAL	%	BLACK	%	TOTAL	%	BLACK	%	TOTAL	%	BLACK	%
10	66,397	25%	33,062	50%	42,364	64%	26,488	80%	18,167	27%	5,794	18%	5,866	9%	780	2%
20	38,727	15	1,177	3	8,424	22	1,050	89	17,348	45	119	10	12,955	33	8	1
21	28,116	11	1,070	4	7,252	26	881	82	15,553	55	177	17	5,311	19	12	1
22	9,424	4	1,163	12	3,580	38	734	63	4,901	52	386	33	943	10	43	4
23	22,569	9	1,739	8	7,820	35	1,450	83	11,450	51	273	16	3,299	14	16	1
24	16,128	6	4,980	31	6,536	41	3,252	65	7,122	44	1,530	31	2,470	15	198	4
25	12,195	5	263	2	2,753	23	228	87	3,781	31	35	13	5,661	46	0	0
30	4,572	2	307	7	2,040	45	259	84	2,112	46	43	14	420	9	5	2
31	4,177	2	607	15	2,164	52	544	90	1,668	40	60	10	345	8	3	0
32	7,044	3	592	8	2,342	33	504	85	3,922	56	88	15	780	11	0	0
33	3,523	1	494	14	1,840	52	454	92	1,404	40	36	7	279	8	4	1
34	4,289	2	135	3	1,539	36	97	72	2,358	55	38	28	392	9	0	0
35	20,662	8	1,050	5	7,171	35	829	79	10,073	49	212	20	3,418	16	9	1
40	6,498	2	486	7	4,259	66	427	88	1,950	30	59	12	289	4	0	0
41	1,283	0	95	7	783	61	95	100	427	33	0	0	73	6	0	0
42	2,307	1	268	12	1,048	45	232	87	946	41	32	12	313	14	4	1
43	742	2	220	30	472	64	205	93	224	30	15	7	46	6	0	0
44	6,582	2	643	10	3,611	55	563	88	2,498	38	73	11	473	7	7	1
45	4,853	2	96	2	2,748	57	80	83	1,705	35	16	17	400	8	0	0
TOTAL:	260,088	100%	48,447	19%	108,746	42%	38,372	79%	107,609	41%	8,986	19%	43,733	17%	1,089	2%

APPENDIX VIII

Annual Family Income Distribution, 1970

DISTRICT	ALL FAMILIES				UNDER \$5,000				\$5,000-\$9,999				\$10,000 AND OVER			
	TOTAL	%	BLACK	%	TOTAL	%	BLACK	%	TOTAL	%	BLACK	%	TOTAL	%	BLACK	%
10	49,026	13%	28,701	59%	19,091	39%	13,889	48%	17,472	36%	10,418	36%	12,463	25%	4,394	16%
20	67,387	19	997	1	4,930	7	421	42	14,209	21	360	36	48,248	72	216	22
21	36,026	10	6,756	19	4,522	13	1,626	24	11,220	31	2,855	42	20,284	56	2,275	34
22	10,957	3	1,888	17	2,568	23	876	46	3,836	35	653	35	4,553	42	359	19
23	23,970	7	1,426	6	3,551	15	581	41	7,791	32	627	44	12,628	53	218	15
24	23,109	6	17,985	78	5,511	24	4,872	27	7,934	34	6,623	37	9,664	42	6,490	36
25	18,769	5	253	1	1,504	8	126	50	3,221	17	80	32	14,044	75	47	18
30	10,286	3	287	3	1,242	12	147	51	3,258	32	105	37	5,786	56	35	12
31	10,344	3	644	6	951	9	220	34	2,363	23	251	39	7,030	68	173	27
32	17,203	5	451	3	1,471	9	137	30	5,421	31	213	47	10,311	60	101	23
33	6,864	2	429	6	1,039	15	151	35	1,811	26	163	38	4,014	59	115	27
34	11,508	3	4,136	36	1,427	12	816	20	4,246	37	1,675	40	5,835	51	1,645	40
35	36,160	10	967	3	4,054	11	421	44	9,961	28	388	40	22,145	61	158	16
40	9,120	2	434	5	2,006	22	202	47	3,503	38	150	34	3,611	40	82	19
41	2,237	1	101	5	389	17	58	57	783	35	38	38	1,065	48	5	5
42	7,510	2	266	4	772	10	109	41	2,521	34	107	40	4,217	56	50	19
43	980	0	264	27	265	27	130	49	377	38	105	40	338	35	29	11
44	12,994	4	671	5	2,168	17	259	39	4,458	34	291	43	6,368	49	121	18
45	7,278	2	179	2	1,306	18	71	40	2,325	32	66	37	3,647	50	42	23
TOTAL:	361,728	100%	66,835	18%	58,767	16%	25,112	37%	106,710	30%	25,168	38%	196,251	54%	16,555	25%

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